



## Area Planning Committee (South and West)

**Date** Thursday 22 March 2018  
**Time** 2.00 pm  
**Venue** Council Chamber, Council Offices, Spennymoor

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 22 February 2018 (Pages 3 - 12)
5. Applications to be determined
  - a) DM/17/03887/OUT - Turners Garage Site, Salters Lane Industrial Estate, Sedgefield (Pages 13 - 34)  
Outline planning application for up to 71 dwellings with all matters reserved except access
  - b) DM/17/01440/FPA - Former Vine Place Sports Garage, Durham Road, Chilton, Ferryhill (Pages 35 - 50)  
Erection of 14 dwellings (revised description 03/08/2017)
  - c) DM/16/03445/OUT - Land To The South Of Byers Green House, Church Street, Byers Green (Pages 51 - 68)  
Outline application for residential development of up to 22 dwellinghouses with all matters reserved (amended plans and description 12/10/2017)
  - d) DM/18/00149/FPA - Former Dean Bank Grange, Hackworth Close, Dean Bank, Ferryhill (Pages 69 - 86)  
10no. bungalows and 4no. single level living apartments for affordable rent/shared ownership

- e) DM/17/04091/FPA - East Green Care Home, 3 East Green, West Auckland (Pages 87 - 112)  
Demolition of former care home and erection of 25 no. dwellings
  - f) DM/17/01922/FPA - Land East Of Hillside Road, Coundon (Pages 113 - 130)  
Erection of 37 no. residential dwellings (C3) with associated infrastructure, access and car parking
  - g) DM/17/00466/FPA - Site Of Former Chamberlain Phipps Coatings, Catkin Way, Bishop Auckland (Pages 131 - 148)  
Erection of 75 dwellings
  - h) DM/17/01696/FPA - Smiddy Burn Bridge, Stanhope Common, Stanhope (Pages 149 - 156)  
Replacement of bridge; erection of retaining wall and repositioned steps in front of shooting box
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Helen Lynch**  
Head of Legal and Democratic Services

County Hall  
Durham  
14 March 2018

To: **The Members of the Area Planning Committee (South and West)**

Councillor H Nicholson (Chairman)  
Councillor J Clare (Vice-Chairman)

Councillors J Atkinson, D Bell, L Brown, J Chaplow, E Huntington,  
K Liddell, C Martin, A Patterson, G Richardson, J Shuttleworth,  
L Taylor, F Tinsley and S Zair

**DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 22 February 2018 at 2.00 pm**

**Present:**

**Councillor H Nicholson (Chairman)**

**Members of the Committee:**

Councillors J Atkinson, D Bell, J Clare (Vice-Chairman), K Liddell, C Martin, M McKeon, A Patterson, G Richardson, J Shuttleworth, F Tinsley and S Zair

**1 Apologies for Absence**

Apologies for absence were received from Councillors L Brown, J Chaplow, E Huntington and L Taylor.

**2 Substitute Members**

Councillor M McKeon as substitute Member for Councillor E Huntington.

**3 Declarations of Interest**

Councillor F Tinsley declared an interest in Agenda Item 5 (a) – Land to the North of Bourne Way, Willington as a local Member. He would speak on the item and then leave the room during consideration of it.

**4 Minutes**

The Minutes of the meeting held on 18 January 2018 were agreed as a correct record and signed by the Chairman.

**5 Applications to be determined**

**a DM/17/03976/FPA - Land To North East of Bourne Way, Willington**

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 16 dwellings including associated access, landscaping and parking provision and the creation of two ponds on land to the north east of Bourne Way, Willington (for copy see file of Minutes).

L Eden, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial view of the site, various photographs of the site and the ecology mitigation area, proposed site plan, plan of the ecology mitigation area and site sections and elevations.

The Senior Planning Officer informed the Committee of the following proposed amendments to the report:

- (i) Paragraph 75 – the drainage condition had been agreed and therefore the sentence ‘The precise details can be secured by condition’ could be removed, and;’
- (ii) Condition 3 – reference to ‘all new estate roads’ should be ‘the estate road’

Councillor F Tinsley, local Member, addressed the Committee. Councillor Tinsley informed the Committee that he was very familiar with the application site and while overall he welcomed investment in Willington, it was important to get the development right. Two local meetings had been held about the application which the two local Members, Great Willington Town Council and local residents had attended, with the County Durham Housing Group (CDHG) attending the second meeting. CDHG had made a positive input to the meeting and Councillor Tinsley thanked them for this. However there were six key issues to be addressed relating to the application:

- (i) Highways and Parking - there were concerns about highways and parking and the adequacy of Park Street/Colliery Street junction. Car parking in the area was difficult and it was important that sufficient measures were introduced to ensure the impact of the development was mitigated.
- (ii) Drainage – there had been significant flooding events in the area and it was important that any surface water drain-off was sufficiently dealt with.
- (iii) Management of the dwellings by CDHG – the model proposed for the dwellings was rent-to-buy and there was a need to ensure the properties did not become a focus for anti-social behaviour.
- (iv) Removal of open space – while it was accepted that the site had previously been developed, the development had been removed some 15 years ago and the site had become an area of amenity space. While the ecology mitigation areas were welcomed, it was important that these areas were safe.
- (v) Availability of local services – was there sufficient sewer capacity to deal with the proposed development and were there services within the community, for example school places and GP capacity.
- (vi) Construction – there was a concern that residential amenity would be impacted during any construction phase.

Councillor Tinsley informed the Committee it was important that the above issues were addressed and that planning permission should only be granted if they were, otherwise the proposed development would have a negative impact. Councillor Tinsley thanked officers for the report to Committee and local residents for their input.

Councillor Tinsley left the meeting.

Councillor Gunn, local Member, addressed the Committee. Councillor Gunn informed the Committee she endorsed all that Councillor Tinsley had said on the important issues relating to this application. She thanked local residents for attending the two meetings about the application and also CDHG for engaging with local Members.

Local residents had concerns about the following issues:

- (i) Addressing the car parking situation in the area
- (ii) Ensuring the development did not become a focus for anti-social behaviour
- (iii) The availability of services in the area, for example places at local schools and GP surgeries

Councillor Gunn asked the Committee to consider the points raised by local Members.

Mrs P Moger, local resident, addressed the Committee. Mrs Moger informed the Committee that she had lived in Railway Terrace since 1984 and a material issue was the seepage of water from a hill behind the development site which resulted in permanent pooling on the highway. There was concern that the proposed development did not address this, and that building on the site could exacerbate the problem. There was a slope on the development site which would result in properties on Railway Terrace being overlooked.

Mrs Moger, while accepting that this was a brownfield site, informed the Committee that the previous houses on the site had been bungalows and suggested that given the demographics of the area bungalows would be more suitable to be built on the site.

Mr J Brooks of Indigo Planning addressed the Committee on behalf of the applicant, County Durham Housing Group. Mr Brooks informed the Committee that he agreed with the report of the Planning Officer that planning permission should be granted, adding that the application had received no statutory or internal objections. The development would provide much needed family housing on an underused brownfield site and was sustainable. The development would bring with it a s106 contribution of £7,000 towards offsite open space and recreation provision and a contribution of £6,000 towards the future management and maintenance of Great Crested Newt mitigation ponds.

With reference to parking, Mr Brooks informed the Committee that the development proposed two parking spaces per dwelling in addition to 6 visitor spaces. There would be no loss of privacy and all technical issues had been complied with. The Wear Valley Local Plan did not resist the development and no concerns raised were of a significant or demonstrable to refuse permission.

D Stewart, Principal DM Engineer informed the Committee that the Park Road/Railway Terrace junction had served the 23 dwellings previously on this site. While visibility was good, the junction would be improved. The applicant had funded additional parking spaces and there was no basis to object to the application on highways grounds.

Councillor Nicholson reminded the Committee that the management of the proposed dwellings was not a material planning consideration.

The Senior Planning Officer replied to the issues raised. The site was classed as being in Flood Zone One and had not been identified as being at risk from surface water drainage. Both Northumbrian Water and the Drainage Section were content

with the application. The area was not designated as an area of open space and a s106 contribution had been secured towards the enhancement of open space. This was a lesser contribution because the applicant had provided 6 extra car parking spaces. A £6,000 contribution had been secured towards the future maintenance of the Great Crested Newt mitigation ponds, which would need to be fenced. Referring to the slope of the site, the Senior Planning Officer informed the Committee that privacy distances were maintained. There were sufficient school places in the area to accommodate the development and no response had been received from the NHS regarding GP capacity. Willington was a Tier 2 settlement and the site was in a sustainable location. While there would be some inconvenience during the construction phase of the dwellings, this would be temporary and a condition was proposed to restrict the hours of construction work. There was no policy to insist on the construction of dwellings for older persons nor the need to replace like with like.

Councillor Atkinson expressed concern about the social impact of possible future anti-social behaviour caused from the development. The Senior Planning Officer replied that concerns about future occupants of the dwellings was not a material planning consideration.

Councillor Clare asked the applicant how much control they had over tenants during the rental period of the rent to buy scheme. Tom Winter of County Durham Housing Group replied that any rent to buy tenants would have tenancy agreements as if they were tenants.

Councillor Patterson, while acknowledging the parking spaces which were to be provided, asked what would happen to the vehicles which would be displaced as a result of the development. Councillor Patterson also expressed concern about the danger posed by the proposed Great Crested Newt mitigation ponds and did not consider that fencing to the ponds would be sufficient to keep children out nor would £6,000 last very long for maintenance of the ponds.

The Principal DM Engineer replied that parking on the site could be stopped at any time by the applicant and that the proposed provision of 14 additional parking spaces was a meaningful benefit.

The Senior Planning Officer informed the Committee that the provision of the Great Crested Newt mitigation ponds would be dealt with in conjunction by the ecology and assets sections of the Council and that the ponds would not require significant maintenance.

Councillor Patterson responded that it was County Council policy to close off open water. The Senior Planning Officer replied that it was proposed to fence the area around the ponds to prevent tramping on the habitat. Because of the impact of the development on Great Crested Newts the ponds must be created, if they were not created then suitable mitigation would not be proposed.

Councillor Richardson informed the Committee that he had concerns regarding children's safety around the ponds because water was an attraction for children. If

the ponds were not to be safely fenced, then he was minded to refuse the application.

Councillor Nicholson informed the Committee that if the application was approved then the safety of the site where the ponds would be located would be the responsibility of the County Council as landowner.

The Senior Planning Officer informed the Committee that the proposed Great Crested Newt mitigation ponds had arisen following intervention of the Council's Ecology and Assets Teams. The pond depth would be 0.5 metres deep at the outside and up to 1.5/2 metres deep in the middle, and the ponds would be fenced off.

Councillor Atkinson considered that the location of the ponds would not be placed anywhere they would be a danger to children.

Councillor Clare informed the Committee that if the mitigation ponds were rejected then the application would be rejected. It would be extreme to refuse the application and the ponds should either be less deep or be better fenced off. Councillor Clare thanked Mrs Moger for her representations to Committee, however, he considered that drainage would be improved after the dwellings were built and the dwellings would not create sufficient intrusion to refuse the application. The Council could not insist that bungalows were built and the applicant was providing a s106 payment to mitigate for the loss of amenity space. There was nothing of any weight to refuse the application and Councillor Clare **moved** approval of it.

Councillor Martin agreed with Councillor Clare. There was very little on which to refuse the development, which was sustainable. As landowners, it was the County Council's responsibility to ensure the mitigation ponds were safe. The applicant was providing extra car parking spaces and rent to buy properties tended to attract tenants who were committed to a long-term obligation. Councillor Martin **seconded** approval of the application.

Councillor McKeon informed the Committee that she had concerns about the mitigation ponds and child safety and that no evidence had been provided that these would be as safe as the Committee would want. Councillor McKeon asked whether the application could be deferred until more detail of the mitigation ponds was available.

Councillor Nicholson informed the Committee that SUDS ponds at developments had previously been approved and there was no evidence of children coming to harm because of these. Councillor Patterson replied that there had been child water deaths in the Willington/Crook area and asked whether, legally, the application could be deferred.

C Cuskin, Planning and Development Solicitor advised the Committee that a motion had been proposed and seconded and therefore a vote should be taken on that motion before deferment of the application could be considered.

Upon a vote being taken it was:

**Resolved:**

That the application be approved subject to the completion of a Section 106 agreement to secure the following:

- 10% affordable housing on site
- £7,000 towards offsite open space and recreational provision
- £6,000 towards the future management and maintenance of the Great Crested Newt mitigation ponds

and the Conditions, as amended, set out in the report.

Councillor Tinsley re-joined the meeting.

**b DM/17/03446/FPA - Land To The West Of The Weardale Inn, Ireshopeburn**

The Committee considered a report of the Planning Officer regarding an application for the erection of a dwelling and garage on land to the west of the Weardale Inn, Ireshopeburn (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photographs of the site, views across the site, views towards the Methodist Chapel, proposed site plan, and plans and elevations.

Mr N Page informed the Committee that he had registered to speak on the application but no longer wished to do so.

Councillor Shuttleworth informed the Committee that he was the local Member for the application site and **moved** approval of it.

Councillor Clare provided the Committee with details of the history and significance of the area, including the history of lead mining in and its association to education and Methodism. Councillor Clare considered that the application was for a modern residential building with a zinc roof, which was described as a risky design strategy at Paragraph 45 of the report.

There was no mention of the sustainability of the development in the design and access statement and nor was there any mention of the impact the proposed dwelling may have on tourism in the area. There was a need to resist infill development such as this along the A689.

There was a need to protect conservation areas and the application did not mention a conservation area appraisal. There was no appreciation of the impact on views of High House Chapel nor the impact on New House which was only 370 metres from the proposed development.

Policy BE6 of the Wear Valley District Local Plan was clear that new development in the conservation area would require the use of local materials. Councillor Clare

questioned whether the development should be sited where it was proposed due to its proximity to a listed building and also questioned whether it was sufficiently sympathetic to the AONB building regulations and conservation area regulations. The application failed to appreciate the heritage assets of the area, would result in harm to the setting of a listed building, would be harmful to the conservation area and did not respond to local character and history.

Councillor Tinsley informed the Committee that he considered the application to be positive and that sufficient measures had been taken to reduce the impact of the development. The development had been set back in mitigation and it was the view of officers that the setting of the listed building had been addressed. Councillor Tinsley referred to design guidance which outlined there was a place for appropriate contemporary design.

Councillor Atkinson **seconded** approval of the application.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the conditions contained in the report.

Councillor Tinsley left the meeting

**c DM/17/00764/FPA - Hilton Hall Farm, Hilton**

The Committee considered a report of the Senior Planning Officer regarding an application for the conversion of farm buildings to 5 dwellings, the demolition of farm sheds to the rear and construction of 4 dwellings with garages and associated works at Hilton Hall Farm, Hilton (for copy see file of Minutes).

T Burnham, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial view of the site, various photographs of the site, site layout plan and elevations of barn conversions and the new builds.

Members of the Committee had visited the site and were familiar with its location and setting.

The Senior Planning Officer informed the Committee it was proposed to amend Condition 4 of the proposed permission to remove the words 'highways adoption compatible'.

Councillor Richardson, local Member, informed the Committee that some aspects of the application did not fit with the village of Hilton and the area of Teesdale. Local residents had expressed concern, particularly at the four dwellings proposed at the rear of the site which would be glass faced, face south towards Reeth and Richmond and would reflect sunlight. These proposed dwellings were of a contemporary design which would be out of character with the surrounding area. Hilton was a small hamlet or village of only approximately 20 residents all of whom were concerned by this application. The only element of the application of concern was that proposed for the rear of the site which did not fit with the area. The road

from the village to Morton Tinmouth and Bolam was single track and there was concern about the extra traffic the development would generate. Councillor Richardson **moved** that the application be refused on the grounds that the design did not fit the amenity of the area nor the character and appearance of the area.

The Principal DM Engineer informed the Committee that the development would generate 1 extra traffic movement every 10 minutes and this was not considered to be a sustainable highways objection.

The Senior Planning Officer informed the Committee that discussions had taken place with the applicant following the submission of their initial plans which were not considered to be appropriate as they proposed a more urban type of property. The plans now were more contemporary and the approach was supported by officers. There would be a degree of recess on the glass façade.

Councillor Clare informed the Committee that while he agreed the development was in danger of being intrusive, attempts had been made to mirror the form of the building already there in terms of shape.

Councillor Atkinson informed the Committee that it was a subjective view that the proposed development would not fit in with the Teesdale area.

Councillor Shuttleworth supported the views put forward by Councillor Richardson as the local Member. He considered that the views of the local Member were paramount and agreed that the proposed development would not fit with the Teesdale area. Councillor Shuttleworth **seconded** refusal of the application.

Upon a vote being taken the motion was **lost**.

**Moved** by Councillor Atkinson, **Seconded** by Councillor McKeon and

**Resolved:**

That the application be approved subject to the conditions contained in the report, as amended.

**d DM/17/03729/FPA - Land To The North Of Graveyard Copthill, Cowshill**

The Committee considered a report of the Planning Officer regarding an application for the conversion of a redundant building to holiday accommodation, including an extension to the north, on land to the north of Graveyard Copthill, Cowshill (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation of the application which included a site location plan, aerial view of the site, various photographs of the site, proposed site plan and plans and elevations.

Councillor McKeon left the meeting.

Councillor Shuttleworth, local Member informed the Committee that he was pleased to see the conversion of a redundant building and **moved** approval of the application.

Councillor Martin in **seconding** approval of the application agreed with Councillor Shuttleworth, adding that the development would bring tourist benefits to the area.

**Resolved:**

That the application be approved subject to the conditions contained in the report.

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/17/03887/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline planning application for up to 71 dwellings with all matters reserved except access
<b>NAME OF APPLICANT:</b>	Hardwick Properties (North East) Limited
<b>ADDRESS:</b>	Turners Garage Site, Salters Lane Industrial Estate, Sedgefield, Stockton on Tees, TS21 3EE
<b>ELECTORAL DIVISION:</b>	Sedgefield Laura Eden Senior Planning Officer
<b>CASE OFFICER:</b>	03000 263980 <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Site

1. The application site comprises of 2.4 hectares of previously developed land on the east side of Salters Lane towards the northern end of Sedgefield. The site forms part of the Salters Lane Industrial Estate which is allocated for general industrial uses in the Sedgefield Borough Local Plan.
2. The site is generally flat and is made up mainly of areas of hardstanding. A single storey building is located towards to the south west corner of the site which was used formerly as a car showroom and more recently as a base for the existing Turners' breakdown and recovery, vehicle repair and taxi businesses. The remaining part of site is used for the storage of caravans.
3. The site is set back from Salters Lane by a grass verge with some ornamental trees and is bound on all sides by 3 metre high security fencing. There are also groups of trees to the northern and southern boundaries. Three existing vehicular access points serve the site from Salters Lane.
4. The surrounding area is mixed in character with residential development to the south and west and industrial use to the immediate north and west. There are retail units lying beyond this to the north east and Sedgefield Community Hospital is to the northwest.

#### Proposal

5. The application seeks outline planning permission of 71 houses with all matters reserved except access. Access would be taken from the existing vehicular access point to the north to form a 5.5m wide access road with 10m junction radii and 1.8m wide footways on each side. The two other existing access points to the south would be removed and replaced with footpaths and continuation of the grass verge.

6. The outline application is accompanied by an indicative layout plan which shows a mixture of terraced, semi-detached and detached housing of 2, 3 and 4 bedrooms. An area of amenity open space is located centrally within the site and water attenuation is proposed in the form of a storage tank which would be positioned beneath the area of open space. The development would also introduce a 5m strip of landscaping adjacent to the eastern boundary.
7. The application is being reported to Planning Committee as it is classed as a major development.

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## **PLANNING HISTORY**

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8. There have been a number of consents relating to the existing and former uses of the site however there is no planning history of relevance to this particular planning proposal.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
10. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
11. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
12. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
13. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

14. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
15. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
16. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
17. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
18. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<https://www.gov.uk/guidance/national-planning-policy-framework>

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality

<https://www.gov.uk/government/collections/planning-practice-guidance>

#### **LOCAL PLAN POLICY:**

*The Sedgefield Borough Local Plan (1996) (SBLP)*

20. *Policy E15 – Safeguarding of Woodlands, Trees and Hedgerows.* Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
21. *Policy IB2 – Designations of Types of Industrial Estates* – Outlines the designated industrial estates across the borough.
22. *Policy IB6 – Acceptable Uses in General Industrial Estates* – Sets out that general industrial areas are acceptable for a wide range of industrial activities including business (Use Class B1), general industry (Use Class B2) and warehousing (Use Class B8).
23. *Policy H8 – Residential Frameworks for Larger Villages* – Sets out that providing that there is no conflict with the environmental, open space of design policies, that development will normally be approved in larger villages, including Sedgefield and Fishburn.
24. *Policy H19 – Provision of a Range of House Types and Sizes including Affordable Housing.* Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
25. *Policy T1 – Footways and Cycleways in Towns and Villages.* States that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
26. *Policy L1 – Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space.* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
27. *Policy L2 – Open Space in New Housing Development.* Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings equating to 60sqm per dwelling.
28. *Policy D1 – General Principles for the Layout and Design of New Developments.* This policy establishes six principles to be applied to the layout and design of new development, including a comprehensive and co-ordinated approach, attention to the design of buildings and their spatial relationship to open space, landscaping and boundary treatment, and satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.
29. *Policy D2 – Design for People.* This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
30. *Policy D3 – Design for Access.* This policy provides that development should make satisfactory and safe provision for use by all modes of transport, detailing eight criteria which will need to be included in new development as appropriate. These include cycle parking facilities, measures to minimise conflict between pedestrians, cyclists and motor vehicles and adequate car parking provision.
31. *Policy D5 – Layout of New Housing Development.* Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open

space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.

32. *Policy D8 – Servicing and Community Requirements of New Development.* Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements.
33. *Policy D9 – Art in the Environment.* Encourages the provision of artistic elements in development.

#### **RELEVANT EMERGING POLICY:**

##### The County Durham Plan

34. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

##### The Sedgefield Neighbourhood Plan

35. Sedgefield is an area which is progressing with a neighbourhood plan (SNP) and a draft plan was previously progressed to examination (June 2016). The Examination Report was delivered in July 2016 and suggested that the SNP could proceed to Referendum but that only four policies should remain from the submission draft of the plan. The Town Council decided that these policies would not fully reflect community ambitions and objectives and the NP would be redrafted.
36. Work on a revised Neighbourhood Plan has resulted in a further document which was published in February 2017. This revised plan will require full formal consultation as it introduces new policies as well as an amended settlement boundary. As things stand the SNP cannot be afforded weight in the context of para 216 of the NPPF, although it is acknowledged that this position could be different at the time future planning submissions.

*The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Sedgefield Borough Local Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

37. *Sedgefield Town Council* – No objections to the development although the Town Council wish to limit the number of dwellings to the total proposed, retain landscaping adjacent to the site along Salters Lane. It is also requested that

pedestrian links are provided to other areas of the Town and that consideration is given to the housing mix.

38. *Highway Authority* – No objection subject to a condition to secure access arrangements
39. *Environment Agency* – No objections.
40. *Northumbrian Water* – No objections subject to a condition which requires the submission of a detailed scheme for the disposal of foul and surface water
41. *Drainage and Coastal Protection* – No objections to the proposals or the submitted information for an outline application although further information would be required at the detailed design stage.

#### **INTERNAL CONSULTEE RESPONSES:**

42. *Spatial Planning* – No policy objections. The development for housing would conflict with the saved SBLP policies although the up-to-date evidence contained in the Employment Land Review suggests that the industrial estate is of average quality which will impact on the prospects of the site being redeveloped for employment purposes. The evidence contained within the 'Employment Land and Premises Report' submitted with the application reinforces this position. The application should be subject to the planning balancing exercise outlined in Paragraph 14 of the NPPF.
43. *Ecology* – No objection
44. *Landscape* – No objections subject to the imposition of conditions
45. *Arboriculture* – No objections as the majority of ornamental trees are retained and appear to have adequate space. The tree protection details within the arboricultural report should be followed in full.
46. *Environmental Health (Air Quality)* – No objections subject to a condition to secure submission of a Dust Action Management Plan to mitigate any impacts during the construction phase.
47. *Environmental Health (Noise)* – No objections subject to a condition to secure submission of noise attenuation measures within the site
48. *Environmental Health (Contaminated Land)* – No objections subject to imposition of a condition
49. *Design and Conservation* - Overall this is a well-considered proposal which if carried through at the reserved matters stage will be a positive addition to the built environment.
50. *School Organisational Manager* – No objections. The development is likely to generate a requirement for 22 primary and 9 secondary pupil places. There is currently no capacity at Sedgefield Community College or the local primary schools. Consequently a contribution of £147,096 and £319,352 would be required to provide additional capacity for primary and secondary school pupils respectively.

#### **EXTERNAL CONSULTEE RESPONSES:**

51. *Durham Dales, Easington and Sedgfield Clinical Commissioning Group* – has submitted comments indicating that the Skerne Medical Practice in Sedgfield is already operating below recommended space levels for the population and a contribution is sought to accommodate the requirement generated by the development.
52. *Police Architectural Liaison Officer* – No objections.

**PUBLIC RESPONSES:**

53. The application has been advertised by press notice, site notice and letters to neighbouring residents. The applicant also undertook a separate and more extensive community consultation exercise in the town prior to the formal submission of the proposals. 4 letters have been received from neighbouring properties in respect to the statutory planning publicity 3 of which object to the proposal. The main concerns are summarised as follows:
  - Sedgfield does not need more homes. Sheltered housing, care accommodation, assisted living units and/or bungalows would be more beneficial
  - Residents agreed that 300 houses is an appropriate level of growth which has already been exceeded
  - Impact on local infrastructure such as the local GP practice and schools
  - No attempt to find alternative industrial uses for the site and its importance for local jobs
  - Concern about for the proposed density on the site, housing mix and lack of bungalows
  - Concern about parking spaces on site. No parking should be allowed directly onto Salters Lane and car parking appears limited on the indicative plan
  - Concerns that the land will be contaminated given the former use
  - Proposal does not include a cycle way along Salters Lane
  - Request for landscaping/tree planting along southern boundary to provide screening
  - The development should be expected to embed sustainability within the built fabric
54. *Sedgfield Civic Trust* – Whilst not objecting to the application, indicate that its total commitment cannot be given to the application until further information is provided in relation to how the frontage along Salters Lane will enhance the entry to Sedgfield, car parking and the appearance of the proposed properties.

**APPLICANTS STATEMENT:**

55. The proposed development represents an effective re-use of previously developed land at an accessible and sustainable location within the urban extent of Sedgfield.
56. Whilst it is acknowledged that the development would result in the loss of some employment land, the applicant and the Council are in agreement that the site has no long term prospects for employment use either in its present condition or as a development opportunity. There is also a plentiful supply of available employment sites both locally and across the County.
57. The redevelopment of the site for housing would also not result in the loss of any existing jobs. The applicant has submitted a separate planning application to create new purpose-built accommodation for the existing Turners' businesses at Fishburn Industrial Estate.

58. The development would provide an important contribution that will help the Council towards its efforts to achieve a 5 year housing land supply and address the supply and demand imbalance in the local area. The applicant has also committed to providing financial contributions to deliver investment to existing open space facilities, primary and secondary schools and the local health care practice.
59. Whilst the application is in outline at this stage, a number of key design principles have been established which will be carried through at the reserved matters stage. Notably, the scheme will include an attractive area of public open space within the heart of the site. The development will also retain and enhance the existing green verge adjacent to Salters Lane and, together with the orientation of a mix of appropriately designed properties which front on to the road, the development will visually enhance both the site and make a positive contribution towards the character and appearance of this approach into the centre of Sedgfield.
60. Following the community consultation undertaken prior to the submission of the planning application, it is also clear that there is strong community support for the development. The site is situated in a demonstrably accessible and desirable location and its re-development to deliver new homes would deliver significant economic, social and environmental benefits.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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61. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact on the character and appearance of the surrounding area, residential amenity, access and highway safety, infrastructure and open space provision and other material considerations.

### The Principle of the Development

#### *The Development Plan*

62. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgfield Borough Local Plan (WVDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
63. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

#### *The NPPF*

64. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
    - ii) specific policies in this Framework indicate development should be restricted.
65. Paragraph 47 of the NPPF requires LPAs to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
66. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context.
67. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the SBLP are out-of-date where outlined below.

#### *Five Year Housing Land Supply*

68. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, housing policies in a Local Plan cannot be considered up to date.
69. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:
- 1,533 houses per year (29,127 houses by 2033)
  - 1,629 houses per year (30,951 houses by 2033)
  - 1,717 houses per year (32,623 houses by 2033)
70. As of April 2017 the Council considered that it had a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest need figure the Council took the position that it could demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
71. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.

72. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. This is still a consultation document and final figures may yet change but on this basis, the Council would be able to establish a supply of housing land in excess of 5 years.
73. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.
74. Given that the most up to date OAN methodology is contained within a consultation draft only and the very recent publication of that document, the Council is yet to formalise its position on the issue of 5 year land supply. In the interim period until it does so, it is considered that the three scenarios identified in the Issues and Options stage can no longer be relied upon and accordingly, the weight to be given to any benefits a housing proposal might have in terms of the boost to housing supply ought to be less than if the Council were to continue to rely upon the Issues and Options scenarios where a 5 year supply could not be demonstrated.

#### *Assessment having regards to Development Plan Policies*

75. The application site lies forms part of the Salters Lane Industrial Estate which is identified under SBLP Policy IB2 as a general industrial estate. Policy IB6 outlines that such areas are suitable for business (Use Class B1), general industry (Use Class B2) and warehousing (Use Class B8) uses. The application, which proposes the development of 71 residential units, is not therefore in conformity with policy IB6. However, it is important to recognise the SBLP was adopted in 1996 and is dated in some respects, taking account of more recent evidence.
76. In accordance with Government advice, the appropriateness of retaining the site for employment use has been tested through an Employment Land Review (ELR) (2012) which concluded that Salters Lane Industrial Estate was of average quality. A parcel of land in the north east of the estate which was previously vacant has now been developed and is in operation as a Sainsbury's food store and the continued attractiveness of the estate to many business uses can be queried.
77. At the time of the ELR, the application site was in active use, and this remains the case at the present time. However it is intended to relocate the existing business and the applicant has submitted a separate planning application (DM/17/03989/FPA) to provide a new industrial building for Turners on the at Fishburn Industrial Estate located nearby therefore safeguarding the existing jobs. This application is still under consideration but is likely to have been determined by the time this application is presented at Committee. The caravan storage element of the existing business on the site would also be displaced, but does not generate a significant number of jobs. However the applicant has identified additional spare capacity at an existing facility in the local area which would provide a realistic alternative option for people who currently store their caravans on the site.
78. It is reasonable to assume that the relocation of the existing occupants to Fishburn would not happen without a proposal in place to redevelop the existing site for residential use and, consistent with the findings of the Council's ELR, the site is not considered to have an economic future as an employment location due to it being of average quality and the fact that other sites are available elsewhere in the market area.

79. Paragraph 22 of the NPPF cautions against the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
80. The findings of the ELR would suggest that there is limited prospect of the site being re-used for business purposes. In support of the planning application the applicant has also submitted an 'Employment Land and Premises Report' (by Connect Property North East) which also concludes that the redevelopment of the site for speculative industrial and distribution development is unlikely due to viability. That redevelopment for offices, retail and leisure is also considered unlikely due to the lack of market demand. The Spatial Policy Section have reviewed this report and conclude that these findings are broadly acceptable. Consistent with the NPPF paragraph 22, it is therefore appropriate to consider applications for alternative uses on their merits.
81. Policy H8 is permissive of housing development on sites located within the residential framework of villages like Sedgefield provided that there is no conflict with the provisions of the plan's environmental, open space or design policies. The site lies outside of the residential framework therefore draws no support from the policy and the principle of developing the site is not considered to be consistent with the development plan as a consequence.
82. It is acknowledged that Policy H8 is based on historic housing supply figures. As a result it is therefore considered to be out-of-date for the purposes of Paragraph 14 of the NPPF. As paragraph 14 of the NPPF is engaged the acceptability of the proposed development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

#### *Locational Sustainability of the Site*

83. Within the Durham County Council Settlement Study (2012) Sedgefield is classified as a Tier 2 Settlement – Smaller Town and Larger Villages. These settlements are considered to be localised centres which are generally self-sustaining with key facilities. It is considered likely therefore, that residential development in these settlements would be locationally sustainable, subject to specific site constraints.
84. In assessing the sustainability of the site, it is considered that it performs well and future residents would have the opportunity to access a range of facilities and services without the need to utilise the private motor car. Sustainable transport links are considered to be good with bus stops located outside the development on Salters Lane. Walking and cycling to local amenities is also a viable option.
85. The site is therefore suitably located and a development of this nature could be acceptable in principle, subject to the acceptability of detailed matters. Clearly, whether any benefits of the proposed development are significant and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.

Impact on the character and appearance of the surrounding area

86. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. SBLP Policy D9 seeks to encourage the incorporation of public art within developments wherever possible. Policy E15 seeks to avoid the loss of trees and hedgerows on site. This is reflected in Parts 7 of the NPPF which also seek to promote good design. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. These policies are partially consistent with the NPPF and can be attributed weight in the decision making process.
87. The site is located in an area of mixed character and occupied by the former car showroom and at present its visual appearance from Salters Lane is largely dominated by the presence of caravans. There is existing hedgerows and tree which line the boundary along Salters Lane as well as groups of trees to the north and south of the site.
88. The layout and appearance of the proposed development is not under consideration, at this stage but the submitted design and access statement provides a number of key design principles to inform the approach to re-developing this site. This recognises the need to create an attractive street scene along a key approach into Sedgefield by retaining and enhancing the existing green verge and providing properties which front onto Salters Lane. The indicative plan demonstrates that this can be achieved and the additional development would be arranged in cul-de-sacs to the rear of this together with the creation of central area of open space off the estate approach. Overall it is considered that the approach into the settlement has the potential to be considerably improved and the indicative layout demonstrates the potential for the creation of a pleasing residential environment which creates a good sense of place. The layout has also been reviewed through the Council's internal Design Review process which assesses proposals against the Building for Life's 12 design criteria. This process has helped inform the scheme and received a position design response.
89. There are various trees and hedgerows on the site, which contribute positively to the character of the local area. The indicative plans demonstrate that a layout is possible which would be capable of retaining a number of these. A condition would be required to protect the existing trees on site while matters relating to landscaping detail would be addressed at a reserved matters stage.
90. SBLP Policy D9 states that the Council will encourage the provision of works of art as part of development. Although the NPPF is silent on public art, it is supportive of promoting development that improves places for people. This mirrors the aims of Policy D9 which is considered partially consistent with the NPPF, and can be afforded weight. A condition will be imposed to secure artistic elements within the design and layout of the development in accordance with Policy D9 of the SBLP.
91. Overall, it is considered that development of the site would not result in harm to the character and appearance of the surrounding area and subject to the detailed scheme taking forward the principles of the outline application, the development should enhance this approach along Salters Lane into Sedgefield. There is no conflict with policy E1 of the SBLP and NPPF objectives in Part 7 and 8.

## Residential Amenity

92. SBLP Policy D1 requires new development to take into account the relationship to adjacent land uses and activities and Policy D5 requires housing layouts to make provision for adequate amenity and privacy. The related supplementary planning practice guidance note provides recommended separation distance guidance to ensure this. Paragraph 17 of the NPPF states that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings, Parts 7 and 8 encourage the development of safe and accessible environments whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
93. The application site lies adjacent to industrial development on its northern and eastern boundaries and a noise assessment has been submitted in support of the application. This amended document outlines that mitigation is proposed along the eastern site boundary in the form of noise attenuation measures comprising of 5m wall (2.5m high retaining wall and 2.5m high wall/fence on top of this). The calculations provided in support of this demonstrate that this would reduce noise arising from the industrial premises to a level that would be unlikely to lead to a statutory nuisance for the future occupiers of the development and as such would not significantly impact on the adjacent business operations.
94. It is noted that most of the noise events arise from United Parcel Service (UPS) operations located centrally along the eastern boundary of the site and are of high intensity low duration nature associated with door slamming, loading and reversing sounders etc. It is therefore acknowledged that even with the proposed barrier mitigation measures in place it is likely that future occupants along the eastern edge of the development will hear some noise from UPS at times especially with windows open at night. In order to help mitigate this the applicant has also proposed an increased glazing and ventilation scheme for these properties in addition to the properties that will lie to the north and west of the site which will provide future occupants with a greater level of acoustic protection.
95. As the application is currently in outline and the final layout is to be agreed a condition will need to be imposed which secures the above. Based on the indicative layout and a housing density that would be under 30 houses per hectare it is considered that a scheme could be devised which could achieve minimum separation distances both internally and externally between dwellings and an acceptable arrangement between the proposed houses and adjacent industrial uses.
96. The Contaminated Land Section has assessed the submitted Phase 1 and 2 Geo-Environmental Site Assessment and notes that some areas of the site are inaccessible and as such further intrusive works and gas monitoring are considered necessary. They raise no objection to the development subject to a condition to secure this work. Furthermore, the Environment Agency has raised no objection in this regard offering standard advice which can be relayed to the applicant as an informative.
97. It is acknowledged that some level of disturbance will be experienced by local residents during the construction period however this would be temporary and can be controlled through the imposition of a Construction Management Plan, which will seek to minimise any such impacts and control matters such as hours of operation and dust management etc.

98. The NPPF advises at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Policy D1 requires satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles in accordance with policy D3. Policy D5 deals with the layout of new housing development including internal roadways. These policies are partially consistent/consistent with the content of the NPPF and can be attributed weight in the decision making process.
99. The means of access to the development is a matter for consideration in this application and it is noted that this would be provided via an upgraded existing vehicular access from Salters Lane. This would be in the form of a 5.5m wide access road with 10m junction radii and 1.8m wide footways on each side. The other two existing access points on the site to the south would be removed and replaced with public footways and grass verge. The Highway Authority confirm that these arrangements are acceptable and should be secured by condition.
100. A transport assessment has been submitted in support of the proposal and takes into account the existing traffic distribution associated with the existing business and the predicted traffic distribution associated with the proposed residential development. This concludes that the increase of less than 30 vehicles per hours is so small that the proposed development would not result in a severe cumulative impact on the surrounding road network. The Highway Authority agree that the additional traffic that would be generated by this development would not result in any severe residual cumulative impacts on the surrounding road network.
101. The onsite layout and parking provisions outlined within the transport statement are noted however these would be the subject of any future reserved matters application. The development proposals would also be expected to improve pedestrian links to the surrounding area. Again this would be explored further at the detailed design stage.
102. The Highway Authority raise no objections to the development and there is no conflict with SBLP policies D1, D3, D5 and T1, or Part 4 of the NPPF.

#### Affordable Housing

103. SBLP Policy H19 outlines that where a local need has been established the Council will seek to negotiate with developers for the inclusion of an appropriate element of affordable housing on allocated sites. This site is not allocated, however it is considered that the principle could be applied to windfall sites as well. The up-to-date evidence in the Strategic Housing Market Assessment by the Council establishes a requirement for 10% provision in Southern delivery area, amounting to 7 dwellings in this case, which would be delivered as a mix of affordable rent and discounted sale. The Housing Delivery Team has advised that the affordable units should have a tenure mix of 70% for affordable rent and 30% for affordable home ownership. The applicant has indicated that they are willing to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure this requirement.
104. It is noted that concerns have been raised by some local residents regarding the housing mix. This matter would be explored further at a detailed design stage.

#### Infrastructure and Open Space Provision

105. Paragraph 72 of NPPF confirms that the Government places great importance on the availability of sufficient choice of school places to meet the needs of existing and new communities. The School Places Manager has advised that the proposed development is likely to generate an additional 22 primary age school pupils and 9 secondary age school pupils and there is insufficient capacity at Sedgefield Community College and the local primary schools (Sedgefield Primary School and Hardwick Primary School) to accommodate this need.
106. A total contribution of £466,448 towards education provision is therefore required, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
107. Paragraph 70 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal. The Durham Dales, Easington and Sedgefield Clinical Commissioning Group (DDES CCG) has advised that the Skerne Medical Service practice in Sedgefield recently submitted proposals for the reconfiguration and small expansion of their existing premises to increase clinical consulting space given current capacity issues. These were initially costed at £350,000 and whilst grants may have been available to help fund these works the practice were unable to proceed as it was not affordable. The proposed development would have an impact on this surgery which is located off Front Street directly north of St Edmund's Church. Therefore a financial contribution would be sought to make the proposed housing expansion supportable from a health infrastructure perspective. Based on the additional population likely to be generated by the development there is a requirement for 13 sqm of additional clinical space to be provided. To mitigate the impacts of the development a contribution of £38,740 is sought to improve access to healthcare provision in Sedgefield which would be secured through via Section 106 Agreement.
108. In respect of open space/recreation facilities, SBLP Policies L1 and L2 set out that for every 10 dwellings developed 100sqm of informal play space and 500sqm of amenity space should be provided, along with new equipped play areas where appropriate. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010, which provides the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
109. Having regard to the scale of the development it is considered that amenity open space and semi-natural greenspace should be provided on-site. Whilst the development includes provision for 1,007 sqm of relevant on site open space, this falls short of the OSNA requirement therefore an off-site contribution would be necessary to make up the shortfall. A planning condition can secure the on-site open space provision. However as the Council would not be prepared to adopt any further play areas within Sedgefield a financial contribution to upgrade existing facilities is being sought. The development would generate a required contribution of £151,397.50 for those typologies not provided on site or where a shortfall in onsite provision has been identified, secured through a the proposed Section 106 Agreement This would satisfy the OSNA requirements and Paragraph 73 of the NPPF with regards to the provision of public open space.

110. The site lies within flood zone 1 (areas of lowest probability of flooding) and is not in an area which is identified as being at risk from surface water flooding. Northumbrian Water has no objection to the proposal subject of the imposition of a condition which requires the submission of a detailed scheme for the disposal of foul and surface water. The Council's Drainage Section consider that the submitted drainage strategy is satisfactory for outline consent but would need to agree the detailed drainage strategy as part of any future reserved matters application. .
111. The submitted Extended Phase 1 Habitat Survey confirms that the site offers limited ecological value. Ecology Officers are satisfied with the assessment and do not object to the development.
112. The development is expected to embed sustainability to support the NPPF aims of reducing greenhouse emissions. This matter would be secured through the Building Control process.
113. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The proposed contributions towards education provision, offsite open space and play provision and improved access to healthcare provision are all considered to be in accordance with these tests as they are considered to be necessary, directly related to the development and fair and reasonably related in scale and kind to the development, as is securing 10% on-site affordable housing.

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## **CONCLUSION**

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114. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF.
115. The direct benefits of the proposal would be the contribution to housing supply including affordable homes, which would assist in improving the range and choice within the local housing market.
116. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded significant weight.
117. Whilst the proposal would result in the loss of some land designated for economic purposes, the findings of the applicant's 'Employment Land and Premises Report' are not disputed which outlines there is limited prospect of the site being re-used for business purposes. A decision on an application for the relocation of the existing business operating from the site to Fishburn Industrial Estate is imminent which would see existing jobs retained.
118. Whilst the existing businesses adjacent to the site are unlikely to cause a statutory nuisance to future residential occupiers they may experience some noise and disturbance especially during the night at times hours if windows were open. As the

layout has not been finalised a condition can be imposed to secure appropriate noise mitigation measures. Notwithstanding this it is considered that the site is capable of accommodating the level of development proposed and based on the indicative plans is considered to be a well-designed, providing an opportunity at the reserved matters point to make positive addition to the built environment. An acceptable means of access has also been agreed.

119. The proposal has been widely consulted upon in the local community and as part of the planning publicity has generated some public comment. However, the objections and concerns raised by local residents have been taken into account and there have been no adverse impacts identified which would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, and there is no conflict with the relevant policies of the SBLP and NPPF.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the following:

- Provision of 10% affordable housing on site equating to 7 units;
- £466,448 towards education accommodation
- £151,397.50 for improving offsite open space and recreational provision in Sedgefield Electoral Division;
- £38,740 for improving access to healthcare provision in Sedgefield Parish

And subject to the following conditions:

1. Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") for the development shall be obtained from the Local Planning Authority in writing before any development is commenced other than demolition and remediation works.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

3. The development hereby approved shall comprise a maximum of 71 dwellings.

*Reason: To define the consent and precise number of dwellings approved*

4. A minimum of 1,007sqm of open amenity/recreation and green space shall be provided in the development. No dwellings shall be occupied until a scheme for the

ongoing maintenance of the areas of public open space within the development have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

*Reason: In order that future residents are served by an appropriate amount of open space and in the interests of appearance of the area in accordance with Part 8 of the NPPF.*

5. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents:

Drg. no. 1703-A-P-0100 Rev A Location Plan received 01/12/2017

Drg. no. JN1452-Dwg-0006B Proposed Site Access Arrangement received 01/12/2017

*Reason: To define the consent and ensure that a satisfactory form of development is obtained having regard to Sedgefield Borough Local Plan Policies T1, D1, D2, D3, D5 and D8.*

6. The development shall be implemented in general conformity with the approved Design and Access Statement and Landscape Strategy Plan (1063/200 Rev B) submitted with the application.

*Reason: To ensure that the Reserved Matters for the appearance, layout and scale of the buildings, and landscaping to be submitted are in general accordance with the approved Design and Access Statement and Landscape Strategy Plan and to enable the Local Planning Authority to satisfactorily control the development, having regards to Part 7 of the NPPF and Sedgefield Borough Local Plan Policies E1, D1, D2, D3 and D5.*

7. No development shall commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

#### Pre-Commencement

(a) A further Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation

should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them.

No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

#### Completion

(c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

*Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.*

8. No development shall commence until all trees and hedges agreed for retention, are protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works unless the local planning authority agrees in writing to any variation.

*Reason: To protect trees from construction damage. In the interests of visual amenity of the area having regards to Sedgfield Borough Local Plan Policies E1, E15, D1 and D5 and Parts 7 and 11 of the NPPF.*

9. No dwelling shall be occupied before the redundant vehicular accesses have been removed and reinstated to footway in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of highway safety having regards to Sedgfield Borough Local Plan Policy D3 and Part 4 of the NPPF.*

10. No development, other than site remediation works, shall commence until a scheme for the management and disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

*Reason: In the interests of managing surface water disposal and reducing flood risk having regards to Part 10 of the NPPF.*

11. No development, other than site remediation works, shall commence until details of noise attenuation measures to be incorporated in the site and construction of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The noise mitigation measures should be based upon the principles contained within the "Noise Impact Assessment" by E3P dated March 2018. The approved noise mitigation scheme shall be implemented in accordance with the approved details and retained permanently thereafter.

*Reason: In the interests of residential amenity having regards to Policies D1 and D5 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.*

12. No development or any works of demolition, shall be carried out until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
  1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
  2. Details of methods and means of noise reduction/suppression.
  3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
  4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
  5. Designation, layout and design of construction access and egress points;
  6. Details for the provision of directional signage (on and off site);
  7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
  8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
  9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
  10. Routing agreements for construction traffic.
  11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
  13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: In the interests of residential amenity having regards to Policy D5 of the Sedgefield Borough Local Plan and Part 11 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.*

13. The development shall be carried out in accordance with the recommendations outlined within Section 5.0 of the Extended Phase 1 Habitat Survey & Daytime Bat Survey by Rachel Hacking Ecology dated October 2017.

*Reason: In the interests of ensuring no protected species are affected by the development in accordance with Paragraph 109 of the National Planning Policy Framework.*

14. Within six months of the commencement of the development, a scheme for the provision of public art on site, together with a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the scheme shall be completed in accordance with the approved details.

*Reason: In the interests of the amenity of the surrounding area in accordance with Policy D9 of the Sedgefield Borough Local Plan and Part 7 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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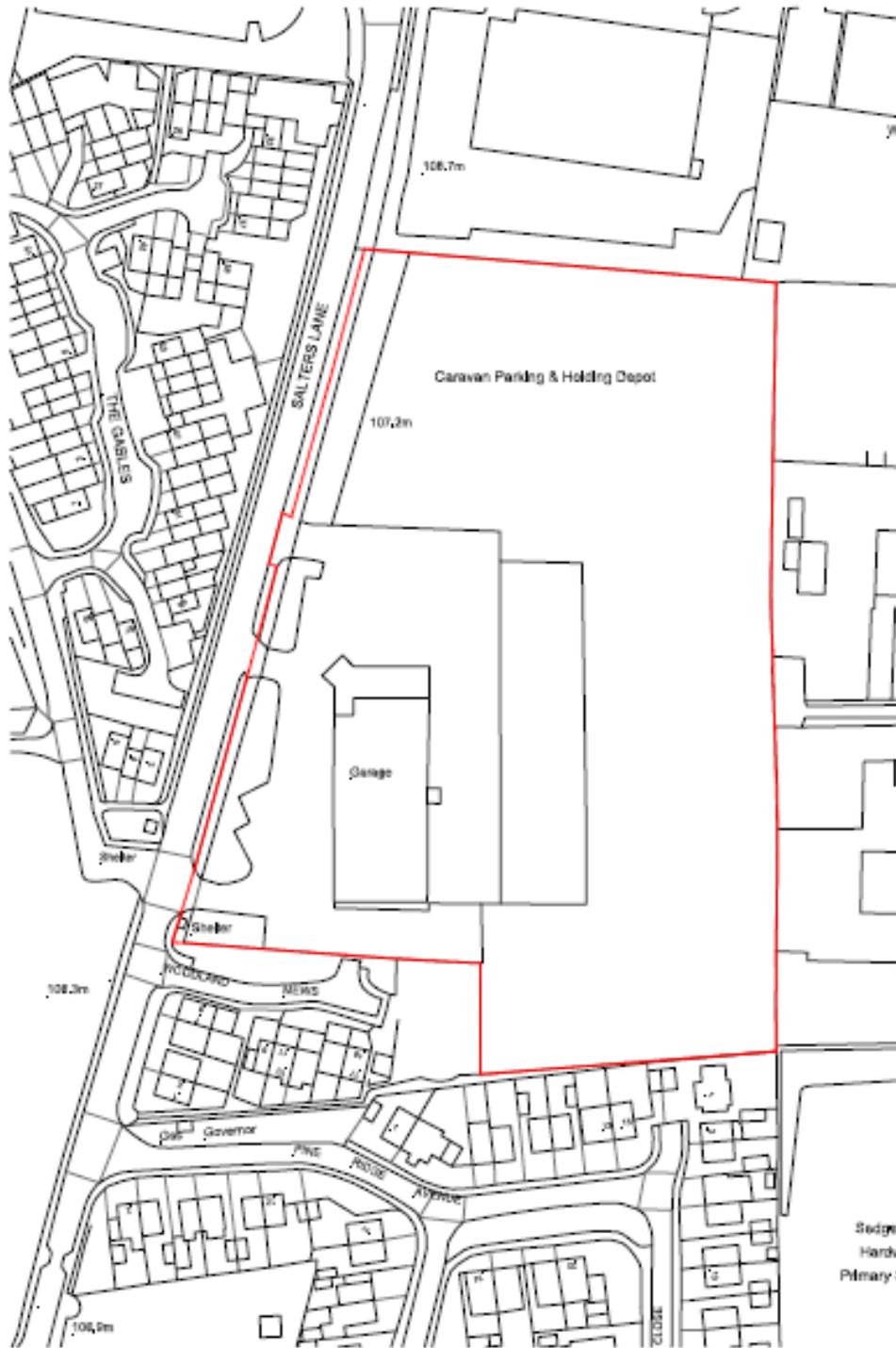
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. Pre-commencement conditions have only been used where details are required at the start of the development process. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Sedgefield Borough Local Plan
- Evidence Base Documents
- Statutory, internal and public consultation responses



**Planning Services**

**Outline planning application for up to 71 dwellings with all matters reserved except access  
 Hardwick Properties (North East) Limited  
 Turners Garage Site, Salters Lane  
 Industrial Estate, Sedgfield  
 Ref: DM/17/03887/OUT**

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**Date**  
 22<sup>nd</sup> March 2018

**Scale**  
 Not to scale

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION NO:** DM/17/01440/FPA

**FULL APPLICATION DESCRIPTION:** Erection of 14 dwellings (revised description 03/08/2017)

**NAME OF APPLICANT:** CoreHaus

**ADDRESS:** Former Vine Place Sports Garage, Durham Road, Chilton, Ferryhill, DL17 0EY

**ELECTORAL DIVISION:** Chilton

**CASE OFFICER:** Laura Eden  
Senior Planning Officer  
03000 263980  
[laura.eden@durham.gov.uk](mailto:laura.eden@durham.gov.uk)

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Background

1. Members will recall that at the meeting of the South West Area Planning Committee on 21<sup>st</sup> September 2017 it was resolved to grant permission for the above development subject to the completion of a Section 106 Agreement to secure financial contributions towards offsite open space and recreational provision and the imposition of a number of conditions. Condition 3 required the creation of a new access to Jubilee Cottage and the closure of the existing access prior to the commencement of works to construct the dwellings to ensure an appropriate means of access. This required the developer to enter into a separate legal agreement, outside of the planning process, with the owner of Jubilee Cottage.
2. Unfortunately, since the resolution to grant planning permission the talks between the developer and the neighbouring property owner to secure the approved access have broken down. It has therefore been necessary to consider alternative arrangements and a revised layout is now proposed. Access to the site is now shown to be taken from a central position removing the requirement to revise the access arrangements to the adjacent property. The house types have also been updated slightly but are broadly similar to what was previously agreed. This report is an update of the original with the relevant sections highlighted in bold text to reflect this change in the scheme.

#### The Site

3. The application site is located towards the southern end of Chilton and previously accommodated a car showroom which has now been demolished and the site cleared. The overall site area extends to 0.36h.

4. The site is accessed off the C35 Durham Road. The surrounding area is predominantly residential however there is Chilton Community Sports and Social Club to the north and a Church lies to the east.

#### The Proposal

5. The proposal originally involved the erection of 16 dwellings however this has progressed this has been reduced to 14 units. These comprise of 4.no two-storey detached 4 bedroomed units, a mixture of 10.no terraced and semi-detached 2.5 storey 3 bed units (two different house types). No details have been provided in relation to the proposed materials at this stage. Each property would benefit from private amenity space and car parking provision. The proposal also includes a new vehicular access being created off the C35 Durham Road.
6. This application is being reported to Planning Committee as it falls within the definition of major development.

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## PLANNING HISTORY

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7. The site has been the subject of a previous unimplemented consent (7/2007/0468/DM) to erect 17 dwellings. This was later renewed in 2010 (7/2010/0222/DM) but has since expired.

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## PLANNING POLICY

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### NATIONAL POLICY:

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
10. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
11. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be

robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.

12. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *NPPF Part 8 – Promoting Healthy Communities*. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. *NPPF Part 10 – Climate Change*. Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
15. *NPPF Part 11 – Conserving and Enhancing the Natural Environment*. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>*

## **LOCAL PLAN POLICY:**

Sedgefield Borough Local Plan (1996) (SBLP) saved policies

16. Policy H8 (Residential Frameworks for larger villages) Outlines that within the residential framework of larger villages residential development will normally be approved.
17. Policy L1 (Provision of sufficient open space to meet the needs for sports facilities, outdoor sports, play space and amenity space) Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
18. Policy L2 (Open Space in New Housing Development) Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings equating to 60sqm per dwelling.
19. Policy D1 (General Principles for the layout and design of new developments) Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
20. Policy D3 (Designed with pedestrians, cyclists, public transport) Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.

21. Policy D5 (Layout of housing development) Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
22. Policy D8 (Planning for Community Benefit) Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements
23. Policy D9 (Art in the D9 Environment) Encourages the provision of artistic elements in development.

## RELEVANT EMERGING POLICY

### The County Durham Plan

24. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

25. *Chilton Parish Council* – No comments received
26. **Highways Authority** – No objection to the scheme following the latest revisions subject to the imposition of conditions and informatives
27. *Northumbrian Water* – No objection to the development on the provision that a condition relating to foul and surface water drainage is imposed.

### INTERNAL CONSULTEE RESPONSES:

28. *Planning Policy* – Consider that this application should be subject to the planning balance exercise outlined in Paragraph 14 of the NPPF.
29. *Sustainability Officer*– No concerns raised in relation to locational sustainability. A condition is suggested to ensure that a scheme is agreed to embed sustainability and minimize carbon from construction and in-use emissions within the development.
30. *Landscape Section* –No landscape related problems with the proposed development
31. *Arboricultural Officer* – No significant arboricultural conflict

32. ***Drainage and Coastal Protection Section*** – The updated drainage strategy is considered to be acceptable.
33. *Ecology* – No objection
34. *Environmental Health (Contaminated Land)* – No objection subject to the imposition of a condition.
35. *Environmental Health (noise)* – No objection subject to the imposition of conditions
36. *School Organisational Manager* – There are sufficient primary school and secondary school places available in the area to accommodate additional pupils from this development.

#### **PUBLIC RESPONSES:**

37. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. A letter of representation has been received from Chilton Community Sports and Social Club. Whilst they have no objection to the application they want it to be known that they occasionally hold late night functions and wish future occupiers to be aware of this. A letter has also been received from a neighbouring resident concerned about the loss of light and overshadowing, loss of privacy, the height of the dwellings and increased noise and disturbance. These responses were received prior to the re-consultation exercise. **Following the latest amendments a further consultation exercise has been undertaken. A letter of objection has been received from the occupants of Jubilee Cottage raising concerns in respect to overlooking, loss of light and future maintenance of their property.**

#### **APPLICANT'S STATEMENT:**

38. The starting point for the determination of all planning applications is that they should be judged in accordance with the adopted development plan in force for the area, unless there are material considerations that indicate otherwise.
39. In this instance, it is clear that residential development on the site is acceptable in principle under Saved Local Plan Policy H8, as reinforced by the previous planning approval on the site in 2007 (renewed 2010) for a higher number of units (14 units are proposed on this occasion in comparison to the previously-approved 17).
40. With the principle of the development firmly-established as acceptable through the above, it is pertinent to note that there are no material considerations that indicate the development should be refused; the scheme has been assessed acceptable in highways and design terms, whilst the drainage strategy for the site has also been agreed as appropriate. In addition, there have been no objections to the scheme from neighbours.
41. Crucially, since the previous applications were approved the National Planning Policy Framework (NPPF) has also come into effect; paragraph 49 of which states housing applications should be: 'considered in the context of the presumption in favour of sustainable development'. This presumption in favour of sustainable development is particularly pertinent where Councils are unable to demonstrate the five-year supply of deliverable housing sites required by the NPPF, as is the currently the case in Durham.

42. On this occasion, the proposed development would bring a number of positive benefits to the local area. These include the regeneration of a long-term (i.e. over 10 years) derelict site that occupies a visually-prominent position within the village of Chilton, the provision of increased new housing options in the area, and a contribution towards Public Open Space (secured by a Section 106 Agreement). Moreover, when viewed in the context of the NPPF, the proposals can clearly be seen as sustainable development by virtue they would re-use previously developed land in an established village that contains good local services and facilities, as well as boost housing supply within County Durham at a time where there is presently a shortfall in such deliverable housing sites.
43. As a suitable form of development that is fully compliant with the development plan in force for the area, NPPF advice is that such proposals should be approved without delay. With this in mind, we respectfully urge Members to support the recommendation of Officers and resolve to grant planning permission accordingly.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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44. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, infrastructure and open space, impact on the character and appearance of the surrounding area, access and highway safety, impact on amenity of adjacent residents and future occupants, flooding and drainage issues and other material considerations.

### Principle of development

45. The application site is located within the settlement limits of Chilton, which is defined by Policy H8 of the Sedgefield Borough Local Plan. Policy H8 allows housing development within Chilton provided that there is no conflict with the provisions of the plan's environmental, open space or design policies. In principle the proposal does not conflict with this policy.
46. SBLP housing supply figures are based on historic supply figures and as such are considered to be 'out of date' in the context of paragraph 14 of the NPPF. On this basis the application must be assessed in the context of Paragraph 14 of the NPPF. This states that 'at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development' and for decision makers this means that where relevant policies are 'out of date' that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, or specific policies in the NPPF indicate the development should be restricted. Consequently, it is considered in this instance that the proposal should be subject to the planning balance test contained within Paragraph 14 of the NPPF.
47. Within the Durham County Council Settlement Study (2012) Chilton is classified within the Tier 2 – Smaller Towns and Larger Villages grouping. In assessing the sustainability of the site, it is considered that it performs very well as future residents would have the opportunity to access facilities and services without the need to utilise the private motor car. The NPPF seeks to provide additional housing and

promotes the use of previously developed land, which this proposal achieves. Furthermore, the site is considered suitable within the SHLAA for residential development and planning permission was previously granted for this purpose on the site.

48. The site is therefore suitably located and a development of this nature would be acceptable in principle, subject to the acceptability of detailed matters. Clearly, whether any benefits of the proposed development are significant and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.

#### Infrastructure and open space

49. The Local Education Authority has highlighted that there are sufficient primary school and secondary school places available in the area to accommodate additional pupils from this development and therefore no contributions are required in this respect.
50. In respect of open space/recreation facilities, SBLP Policies L1 and L2 set out that for every 10 dwellings developed 100sqm of informal play space and 500 sqm of amenity space should be provided, along with new equipped play areas where appropriate. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010, which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide for six typologies, either within the site, or through a financial contribution towards offsite provision.
51. Given the scale of the development it is the developer's preference to pay a financial contribution towards the enhancement of existing provision in the area. The OSNA generates a required contribution of £2,244 per dwelling which equates to £31,416 in total to be secured through a S106 agreement. This would satisfy the OSNA requirements and objectives in NPPF Part 8.

#### Impact on the character and appearance of the surrounding area

52. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. SBLP Policy D9 seeks to encourage the incorporation of public art within developments wherever possible. These policies are consistent with Parts 7 and 11 of the NPPF.
53. There is no specific architectural style in the area, however the proposed dwellings are considered commensurate in scale and design with surrounding developments and previous approvals on the site. The design of the properties is considered acceptable and a condition can be imposed to secure the agreement of proposed materials and window details.
54. An acceptable hard and soft landscaping scheme has been devised which takes into account advice from the Landscape Section. This would include details of privately maintained grassed areas, means of enclosure and hard surfacing details.
- 55. The applicant originally agreed to the provision of art on the site, which was to be secured by condition. However upon reflection and given the limited scale of the development, it is not considered necessary or reasonable to insist on this. It is therefore proposed to remove this condition.**

56. There is no conflict with the above mentioned policies of the SBLP and NPPF.

#### Access and Highway Safety

57. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. SBLP Policy T1 seeks to ensure that safe, attractive and convenient footpath links are provided, where appropriate, to serve new development. These policies are considered compliant with the NPPF.

58. **The access road into the development site was originally proposed to run adjacent to the northern boundary of the site which required a new access to be created for Jubilee Cottage further north of the existing. Condition 3 required this was created and the existing access to Jubilee Cottage closed up prior to the commencement of works to construct the new dwellings to ensure an appropriate means of access. This required the developer to enter into a separate legal agreement, outside of the planning process, with the owner of Jubilee Cottage. As talks with the neighbouring property to implement these works have broken down a revised layout is now proposed. Access to the site would now be taken centrally removing the requirement for revised access arrangements to the adjacent property which was formerly to be secured by condition 3.** An appropriate means of access and layout arrangements have been secured in consultation with the Highways Authority. Car parking provision would comply with the minimum requirements outlined in DCC Residential Car Parking Standards. Subject to the imposition of a condition to secure environmental improvement to the area to the front of plots 1-5 to continue the works already undertaken along Durham Road and an informative regarding speed limits within the estate the Highways Authority has no objections to the scheme.

59. Overall it is considered that the development would not adversely impact on the highway safety of the surrounding road network. There is no conflict with the above mentioned policies and NPPF.

#### Residential amenity

60. One of the twelve core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. SBLP policies D3 and H17 require that satisfactory levels of amenity and privacy are achieved for both the new dwelling and existing adjacent dwellings. SPG Note 3 establishes minimum separation guidelines of 21m between facing principal elevations and 14m between principal and gable elevations. The policies are considered to be in accordance with the intentions of the NPPF.

61. There are four properties in the immediate vicinity of the development. An objection has been received from no.47 Millwood which lies to the west concerned that the proposed adjacent dwellings would be 3 storeys high which would result in overlooking, loss of light to their property and generally increased noise and disturbance. The proposed layout achieves the aforementioned distances both internally and externally therefore it is not considered that any significant loss of amenity would arise. Whilst two of the house types propose accommodation over three levels the houses would be 2.5 stories high and not out of character with the scale of surrounding developments. **No further objections have been received from this property following the latest round of consultation.**

62. **A letter of objection has however been received from the occupants of Jubilee Cottage concerned about overlooking, loss of light and future maintenance of**

**their property. Jubilee Cottage has a window in their gable elevation which overlooks the development site across an approximately 1 metre high brick wall along their southern boundary. Two proposed dwellings (town houses) would now occupy the area intended for the original access within the revised layout. However, these would be fully offset from the adjacent bungalow including this window and no windows are proposed in the gable elevations. As such there would be no direct issues of overlooking between the windows of the existing and proposed dwellings.**

63. **Whilst it is acknowledged that plot 1 sits forward of Jubilee Cottage, given there is a 7 metre offset between the properties it is not considered that there would be any significant issues regarding loss of light. Any building work near or on the shared boundary would be covered under the Party Wall Act which falls outside the planning process. Officers have tried to liaise with the occupants of Jubilee Cottage to see if they want the boundary treatment between their site and the adjacent development improved however no response has been received. Notwithstanding this, it is not considered that the development would have a significant impact on their amenity which would justify refusal of the application.**

64. The new dwellings would all benefit from private amenity space. Whilst it is acknowledged that plots 1 to 5 would have relatively small gardens this is necessary to accommodate sufficient car parking spaces. On balance it is considered that they would benefit from sufficient levels of amenity space however to ensure this moving forward a condition removing permitted development rights for extensions is proposed.

65. Chilton Community Sports and Social Club lies within 25 metres of the site boundary with the associated car parking area occupying the intervening land. Environmental Health did initially request the submission of noise risk assessment prior to determination however on the basis that there are other properties within closer proximity to the Club and there have been no recorded noise complaints they consider that an appropriately worded condition would be sufficient to mitigate any potential issues in this regard.

66. The Environmental Health Section has highlighted the potential for disturbance during the construction period. However it is accepted that this would be a relatively small scale development with short lived impacts. It is therefore recommended that conditions to control construction hours would be sufficient mitigation in this case.

67. There is no conflict with the above mentioned policies and NPPF.

#### Other Issues

68. The Contaminated Land Section has reviewed the submitted geo-environmental appraisal and agree with the conclusions and recommendations. They suggest a condition is imposed in regard to site investigation and risk assessments.

69. The site lies within an area defined as being at low risk from former coal mining activity therefore a standard informative would be imposed to this effect.

70. The site is not in an area at risk from flooding however as the proposal represents a major development the Lead Local Flood Authority has been consulted. **Whilst a drainage strategy was previously agreed this required updating to take account of the revised layout. The revised strategy has been agreed with the Drainage Section and is listed as an approved document.** Northumbrian Water

has requested that a condition is imposed in relation to foul and surface water drainage so they can fully assess the impact of the development on their assets.

71. The development is expected to embed sustainability to support the NPPF aims of reducing greenhouse emissions. This matter will be secured through the Building Control process.
72. **Three letters of representation have been received from local residents and also the Sports Club.** The issues raised have been addressed within earlier sections of the report. No adverse impacts have been identified which would warrant refusal of the planning application.

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## **CONCLUSION**

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73. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development need to significantly and demonstrably outweigh any benefits.
74. The direct benefits of the proposal would be the contribution to housing supply, the improvements to the appearance of the site and the financial contribution towards improved recreational and open space facilities in the area. There would be some economic benefits from construction.
75. Overall, the proposal is considered to represent a sustainable form of development which offers significant socio-economic benefits in a sustainable location with easy access to a wide range of services and via sustainable modes of transport. The scheme would relate well to the character and appearance of the area and is acceptable in all other respects.
76. There have been no adverse impacts identified which would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, and there is no conflict with the relevant policies of the SBLP.

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## **RECOMMENDATION**

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That the application be APPROVED subject to the completion of a Section 106 agreement to secure the following:

- Financial contributions towards offsite open space and recreational provision at pro-rata rate of £2,244 per residential unit.

And subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

**Geo-environmental Appraisal (D7246) by Dunelm dated April 2016**  
**Flood Risk and Drainage Constraints Rev. B (4737/DA01B) dated 06/03/2018**  
**Drg. no. 001 Location/boundary plan received 28/04/2017**  
**Drg. no. 002 Rev. L Proposed site layout received 02/02/2018**  
**Drg. no. 003 Rev. F Proposed hard landscape and boundary treatment plan received 02/02/2018**  
**Drg. no. 004 Rev A proposed boundary treatment details received 28/04/2017**  
**Drg. no. PL-001 House type C received 02/02/2018**  
**Drg. no. 000 House type A received 02/02/2018**  
**Drg. no. 000 House type D/4 received 02/02/2018**

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. Notwithstanding any details of materials submitted with the planning application, no development shall commence on the erection of the dwellings until full details and samples of external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policy D1 of the Sedgefield Borough Local Plan and Part 7 of the NPPF.

4. Notwithstanding the details shown on the approved plans, no development shall commence on the erection of the dwellings until precise details of all new fenestration, glazing, heads and cills have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policy D1 of the Sedgefield Borough Local Plan and Part 7 of the NPPF.

5. No development shall commence until a detailed scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

6. Prior to any development commencing a hard landscaping scheme to the site frontage, in accordance with the existing Durham Road Environmental Improvement Scheme, shall be submitted to and approved in writing by the Local Planning Authority. The construction of the approved scheme must be completed prior to Plots 1-5 incl. being occupied.

Reason: In the interests of the appearance of the area and to comply with policies D1 and D5 of Sedgefield Borough Local Plan and Part 7 of the NPPF.

7. No development shall take place until an acoustic report, carried out by a competent person in accordance with all relevant standards, on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from commercial noise. In the event that the acoustic report finds that the following noise levels would be exceeded a noise insulation scheme shall be

submitted to and approved in writing by the Local Planning Authority in advance of any of the dwellings hereby approved being constructed.

- 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- 45 dB LAmax in bedrooms during the night-time
- 55dB LAeq 16hr in outdoor living areas

In addition if the assessment concludes that noise will cause an adverse impact to the future residents in line with the assessment of BS4142:2014 mitigation measures shall be implemented. The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: In order to prevent noise disturbance in accordance with paragraphs 110 and 123 of the NPPF.

8. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In order to prevent noise disturbance in accordance with paragraphs 110 and 123 of the NPPF.

9. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

#### Completion

(c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A and E of Part 1 of Schedule 2 of the said Order shall be carried out to plots 1-5.

Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policy H24 of the Sedgfield Borough Local Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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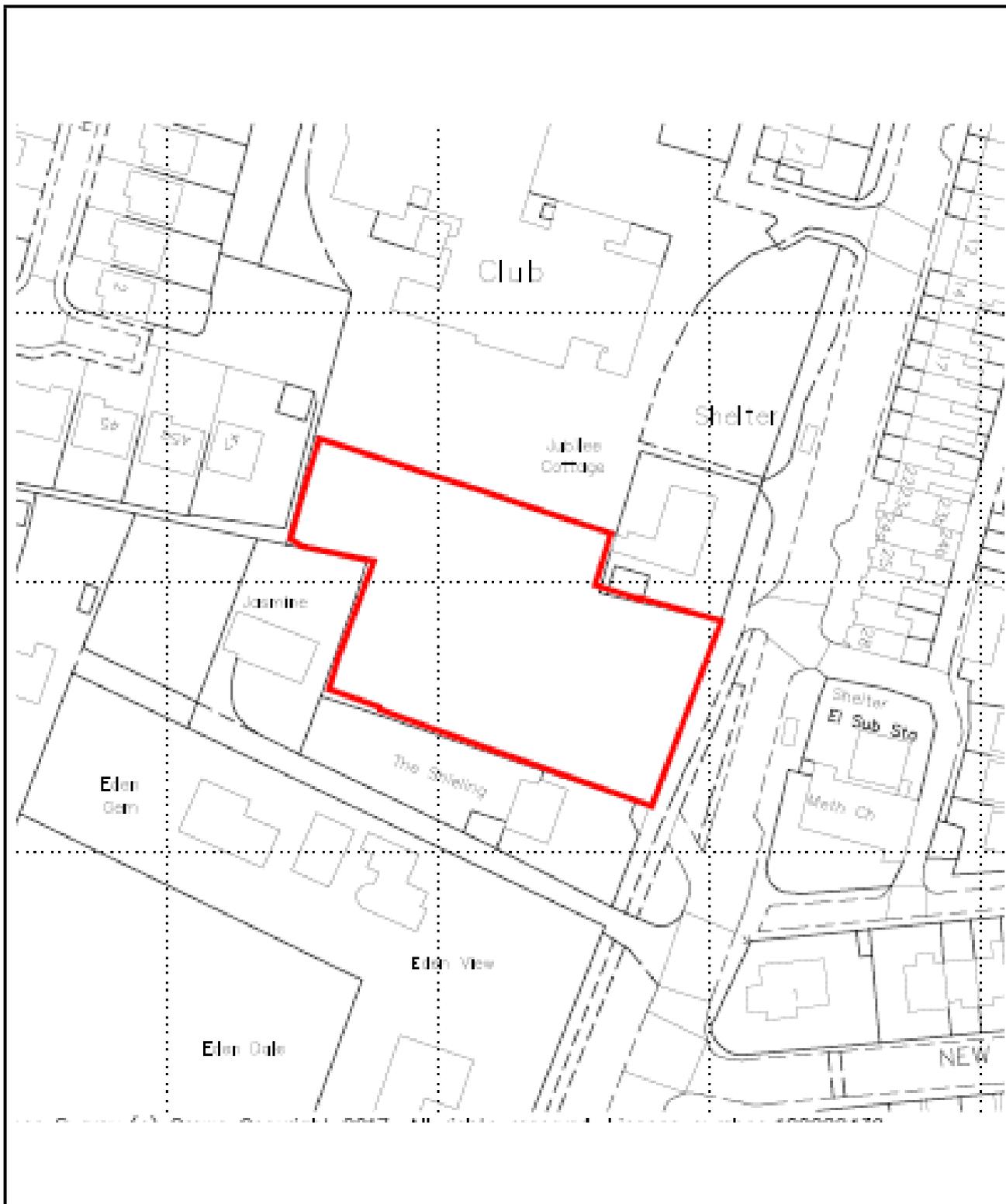
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. Pre-commencement conditions have only been used where details are required at the start of the development process. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Sedgefield Borough Local Plan
- Evidence Base Documents
- Statutory, internal and public consultation responses



**Planning Services**

**Erection of 14 dwellings (revised description 03/08/2017)  
 CoreHaus  
 Former Vine Place Sports Garage,  
 Durham Road, Chilton, Ferryhill  
 DL17 0EY  
 Ref: DM/17/01440/FPA**

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**Date**  
 22<sup>nd</sup> March 2018

**Scale**  
 Not to scale

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/16/03445/OUT</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Outline application for residential development of up to 22 dwellinghouses with all matters reserved (amended plans and description 12/10/2017)</b>
<b>NAME OF APPLICANT:</b>	<b>Pillar Three Developments Limited</b>
<b>ADDRESS:</b>	<b>Land To The South Of Byers Green House, Church Street, Byers Green</b>
<b>ELECTORAL DIVISION:</b>	<b>Spennymoor</b>
<b>CASE OFFICER:</b>	<b>Laura Eden</b> <b>Senior Planning Officer</b> <b>03000 263980</b> <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is a 1.25ha triangular parcel of agricultural land located approximately 270m to the south of the main built up area of Byers Green. Church Street, an unclassified road, runs adjacent to the eastern boundary and to the north lies Byers Green House and JM Raine Ground Care Depot. To the south there is a woodland area and track which runs along the route of a former railway line. The site is bordered on all other sides by open fields.
2. Hedgerow planting runs through the site and along the southern eastern and part of the northern boundary which also contains a group of trees. There are two existing dilapidated structures on site, a stable and barn, which would be demolished as part of the development.

#### The Proposal

3. The application seeks outline planning permission for 22 dwellings with all matters reserved (reduced from 25 dwellings as the application has progressed). Access into the site would be taken off Church Street, in the vicinity of an existing field gate which would require the removal of some of the existing hedgerow to accommodate sight visibility splays. The indicative plan shows the development comprising of a mix of 2, 3, 4 and 5 bedroomed detached and terraced properties along with areas of open space.
4. This application is being reported to Planning Committee as it falls within the definition of major development. Whilst the application was submitted in 2016 there have been some delay in progressing the proposal due to the need to undertake satisfactory time dependent ecology surveys.

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## PLANNING HISTORY

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5. There is no relevant site history.

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## PLANNING POLICY

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### NATIONAL POLICY:

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. The following elements are considered relevant to this proposal;
7. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
8. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
9. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plans meet the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should provide for this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
10. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. *NPPF Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of

renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

13. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>*

## **LOCAL PLAN POLICY:**

Sedgefield Borough Local Plan (1996) (SBLP) saved policies

14. *Policy E11 (Safeguarding sites of Nature Conservation Interest)* Sets out that development detrimental to the interest of nature conservation will not normally be permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
15. *Policy E15 (Safeguarding woodlands, trees and hedgerows)* Sets out that the Council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
16. *Policy H8 (Residential Frameworks for larger villages)* Outlines that within the residential framework of larger villages residential development will normally be approved.
17. *Policy H9 (Housing Sites in Larger Villages)* Outlines sites in listed settlements where housing development will normally be approved.
18. *Policy H11 (Development in Ribbons or Groups of Houses in the Countryside)* sets out that the extension, infilling or redevelopment of ribbons or of sporadic groups of houses outside of the towns and villages will not normally be approved.
19. *Policy H19 (Provision of a range of house types and sizes including Affordable Housing)* Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
20. *Policy L1 (Provision of sufficient open space to meet the needs for sports facilities, outdoor sports, play space and amenity space)* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to benchmark provision.
21. *Policy L2 (Open Space in New Housing Development)* Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings equating to 60sqm per dwelling.
22. *Policy D1 (General Principles for the layout and design of new developments)* Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

23. *Policy D2 (Design for people)* Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
24. *Policy D3 (Designed with pedestrians, cyclists, public transport)* Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
25. *Policy D5 (Layout of housing development)* Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
26. *Policy D8 (Planning for Community Benefit)* Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements
27. *Policy D9 (Art in the D9 Environment)* Encourages the provision of artistic elements in development.

#### **RELEVANT EMERGING POLICY**

##### The County Durham Plan

28. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

29. *Spennymoor Town Council* – No comments received
30. *Highways Authority* – No objection to the scheme following the submission of an amended plan showing the correct junction sight visibility and the imposition of conditions and informatives.
31. *Northumbrian Water* – No objection to the development on the provision that a condition relating to foul and surface water drainage is imposed.

#### **INTERNAL CONSULTEE RESPONSES:**

32. *Planning Policy* – Consider that this application should be subject to the planning balance exercise outlined in Paragraph 14 of the NPPF.

33. *Affordable Housing* - Confirm affordable housing requirement of 10% would be expected across the site equating to 2 houses
34. *Archaeology* – The geophysical survey has shown possible building remains on site which need to be tested through trial trenching. This should be carried out in support of any reserved matters application to allow further mitigation if necessary and could be secured by means of planning conditions.
35. *Sustainability Officer* – Raises concerns with regards to the locational sustainability of the site. A condition is suggested to ensure that a scheme is agreed to embed sustainability and minimize carbon from construction and in-use emissions within the development.
36. *Landscape Section* – Opposed to the development on account of its landscape and visual effects
37. *Arboricultural Officer* – It is not considered that there would be any significant arboricultural objections however it would be preferable for RPAs to be plotted pre-determination to ensure there is no conflict
38. *Drainage and Coastal Protection Section* – Satisfied with the information provided in the Flood Risk & Drainage Assessment (FRDA) Rev 1
39. *Ecology* – No objection subject to a contribution of £16,105 being secured through a S106 Agreement to improve biodiversity off-site and the imposition of conditions relating to securing the production of a biodiversity management plan, a scheme regarding the number and location of bat roosts to be incorporated within the fabric of the new dwellings and an appropriate lighting scheme in order to ensure that bat flight lines and dark corridors are retained
40. *Environmental Health (Contaminated Land)* – No objection subject to the imposition of a condition regarding site investigation works.
41. *Environmental Health (noise)* – No objection subject to the imposition of a construction management condition
42. *School Organisational Manager* – It is considered that the development is likely to produce 7 primary pupils and 3 secondary pupils. There are insufficient primary school places available in the area to accommodate additional pupils from this development. Consequently a contribution of £101,612 would be sought.

**PUBLIC RESPONSES:**

43. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. 8 letters from 5 neighbouring properties have been received. The main concerns are summarised as:
  - Development of greenfield land and incursion into the countryside
  - The site is physically detached from the settlement with a poor relationship to the established settlement pattern
  - The development would have an adverse impact on the historic, environmental and biodiversity of the area through loss of habitat, hedgerows and trees
  - Impact on ecology
  - Limited amenities and services within Byers Green
  - Limited public transport opportunities

- Road safety concerns through increased traffic and vehicle speeds
- Suitable housing is already available in the area
- That the land and hedgerows are not currently being well managed
- Local schools are almost at capacity
- Development is unsustainable

44. Cllr Geldard has also written a letter of representation. Whilst he has specified that on principle he is not opposed to development outside of the settlement limits, having had the opportunity to read through the concerns of the immediate neighbours he considers they have very valid objections to the proposed development. He is also mindful of the ecology officer's response which outlines a number of issues regarding the environment. Until the outlined ecology issues are properly addressed the application is not at a stage for approval.

#### **APPLICANT'S STATEMENT:**

45. The applicant understands that this proposal is to be possibly recommended for refusal on sustainability grounds - however this site actually has two bus stops (one either way, with two routes) actually outside of it - it is already a sustainable location for development. The site is the 'village' side of the entry road-side signs for Byers Green. This further adds to the simple fact this site is well suited for a modest expansion of this settlement. It is sustainable.

46. The site is in poor condition agriculturally, and the many surveys undertaken all last year have demonstrated it has a low ecological value and no animals requiring protection beyond standard conditions. This modest housing scheme will lead to much more planting, more infilled hedgerows, more trees and of course make a more effective and efficient use of a forlorn site with redundant, ugly structures in one corner to be demolished. The new and retained trees and hedgerows will lead to ecology 'gains' and improvements.

47. This is a scheme promoted by a small team of local lads with a variety of built-form skill sets. They have compiled many of the proposal documents themselves. This is a local team, small scale, starting out with a first stab at a residential development. Affordable housing is factored in and agreed, with the market housing proposed enabling the affordable housing to be built.

48. Everyone on the planning committee knows that the large house-builders build out their sites at their own whim. This site is the applicants' only site. They are local and want to live on it, in some of the houses proposed. If they get a permission they will be wanting to deal with reserved matters straight-away and get the site moving. That is what they want to do - their skill sets are at the actual built-form end, and they want to implement them here, at this site they own.

49. There is a huge amount of s106 payments and conditions agreed by the applicants as well as amenity spaces on the site factored into the layout plans. The arguments regarding sustainability can be made both ways - but common sense tells you that if bus services already run along side, with stops outside the actual site - it must be sustainable.

50. At appeal it is still the case that Durham County has not got a five year housing land supply. More, and smaller sites have to be found - such as this one. The small sites actually get progressed and built - research has proven that again and again.

51. Outline permission should be granted, as the first step in bringing this site forward for much needed housing development in a location that would greatly benefit from it -

rather than directing all the development around Durham City. The new housing will support local services, bus routes and shops both in Byers Green and nearby - and provide jobs within the construction and support servicing whilst being built.

52. It is considered the plethora of specialist consultants' reports and beautiful indicative layout plans all support the case for approval.
53. The modest amount of objection comment is noted, however the Planning Committee will be well aware that 'you cannot make an omelette without breaking eggs' and that many, many factors have to be brought to bear in the difficult decisions they make. Standard planning conditions will more than adequately ensure that any externalities, dis-benefits and inconveniences are kept to the bare minimum possible.
54. It is thus respectfully requested that permission is granted for the reason (which Planning Committee Councillors can simple re-state to officers) that:
55. 'On balance', this is considered to be a sustainable location for development, adjoining existing built form and within a settlement demarcation with bus stops directly outside and thus is a suitable, available and deliverable site for much needed residential development in a County with currently a shortfall of housing land, and with historic shortfalls as well.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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56. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, affordable housing, infrastructure and open space provision, impact on the character and appearance of the surrounding area, access and highway safety, residential amenity, ecology and other material considerations.

Principle of development

### *The Development Plan*

57. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgfield Borough Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
58. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

### *The NPPF*

59. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
    - ii) specific policies in this Framework indicate development should be restricted.
60. Paragraph 47 of the NPPF requires LPAs to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
61. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context.
62. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the SBLP are out-of-date where outlined below.

#### *Five Year Housing Land Supply*

63. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, housing policies in a Local Plan cannot be considered up to date.
64. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:
- 1,533 houses per year (29,127 houses by 2033)
  - 1,629 houses per year (30,951 houses by 2033)
  - 1,717 houses per year (32,623 houses by 2033)
65. As of April 2017 the Council considered that it had a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest need figure the Council took the position that it could demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
66. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.

67. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. This is still a consultation document and final figures may yet change but on this basis, the Council would be able to establish a supply of housing land in excess of 5 years.
68. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.
69. Given that the most up to date OAN methodology is contained within a consultation draft only and the very recent publication of that document, the Council is yet to formalise its position on the issue of 5 year land supply. In the interim period until it does so, it is considered that the three scenarios identified in the Issues and Options stage can no longer be relied upon and accordingly, the weight to be given to any benefits a housing proposal might have in terms of the boost to housing supply ought to be less than if the Council were to continue to rely upon the Issues and Options scenarios where a 5 year supply could not be demonstrated.

#### *Assessment having regards to Development Plan Policies*

70. Within the SBLP, Byers Green is recognised as a large village where appropriate new development is encouraged. Policy H9 identified two housing allocations within the village however these were built out a number of years ago. Policy H8 states that housing development will be permitted on sites within the settlement limits, where it accords with other environmental policies. The application site is located outside of the residential framework of Byers Green and is situated some 270m south of the main built up settlement. Policy H11 outlines that the extension, infilling or redevelopment of ribbons or of sporadic groups of houses outside or towns and villages including Byers Green will not normally be approved. The proposal therefore draws no support from the policy and the principle of developing the site is not considered to be consistent with the development plan as a consequence.
71. It is acknowledged that Policy H8 and H11 are based on historic housing supply figures. As a result they are therefore considered to be out-of-date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies is reduced. The policies are considered to be partially consistent with the NPPF in terms of ensuring sustainable forms of development by directing development towards the most appropriate locations and protecting the intrinsic character and beauty of the countryside. It is however recognised that the NPPF promotes a more flexible approach to site selection, and it is considered that only moderate weight can be afforded to these Policies, in accordance with Paragraph 215 of the NPPF.
72. Nevertheless as paragraph 14 of the NPPF is engaged the acceptability of the proposed development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

#### *Locational Sustainability of the Site*

73. At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 7 sets out 3 dimensions of sustainable development defining these in

terms of economic, social and environmental roles. These should not be seen in isolation and are mutually dependant. Paragraph 17 goes on to identify 12 core land use principles. These include that planning should be plan led, take account of the character of different areas, recognise and protect the intrinsic character and beauty of the countryside and encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. However the NPPF also identifies that the promotion of growth and development should not be at the expense of other elements of sustainable development, including the protection of the rural landscape and open countryside.

74. In regards to the sustainability of the site, The County Durham Settlement Study (2012) is an evidence based document which categorises Byers Green as a small village (5th tier) on account that it contains very few facilities. There is only a community centre, public house, restaurant with guest accommodation, two churches, a children's play area and primary school providing local facilities of any significance. Furthermore, the site lies approximately 270m to the south of what could reasonably be described as the main built form of Byers Green therefore future occupiers would have a significant walk to routinely access the limited range of available facilities. For example the primary school would be a 1.1km walk from the development site and the settlement does not benefit from a local shop. The nearest access to shops, secondary education, formal leisure opportunities and other services and facilities are over 3km away in Spennymoor and Willington. Whilst there are bus stops outside the site and bus services do exist these are not frequent services and typically operate on weekdays between the hours of 8am and 5pm. There is a more limited Saturday service and none on a Sunday. Employment opportunities would similarly be further afield. Consequently, future occupants of this development are likely to be reliant upon accessing employment and main shopping requirements in higher order neighbouring settlements within the County or beyond. . These trips are more likely to be made using the private car as the site is not considered to be as accessible to shops, services and facilities as higher order settlements.
75. Furthermore, any development which does take place in smaller scale villages needs to be commensurate with the role and function of the settlement. The provision of up to 22 dwellings would provide a sizeable addition to Byers Green (shown to consist of 379 houses and a population of 672 in the County Durham Settlement Study 2012). Whilst consent has been granted for some residential development within Warwick Gardens (between 2010 and 2014) this was small scale and occupied a central position within the settlement. Such development is considered to be more appropriate to the character, appearance and role of the settlement.
76. Whilst the NPPF promotes the presumption in favour of sustainable development and highlights the economic, social and environmental dimensions of achieving this, it also implies that these should not be seen in isolation and are mutually dependant. It is accepted that the proposal would make a relatively modest contribution to boosting housing supply however the promotion of growth and development should not be at the expense of other elements of sustainable development. This includes the protection of rural landscapes, the open countryside and the promotion of locations that provide good access to services. The site is considered to score poorly in terms of locational sustainability and as such, the development would be contrary to SBLP Policies H8 and H11 and Paragraph 61 of the NPPF in this regard.

## Affordable Housing

77. In order to widen the choice of high quality homes and opportunities for home ownership, Paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need. SBLP Policy H19 also encourages developers to provide an appropriate variety of house types, including affordable housing on specific allocated sites. This site is not identified as such under the policy which is also considered to be only partially consistent with NPPF. Accordingly, advice within the NPPF should take primacy with regards to this issue.
78. The up-to-date evidence in the Strategic Housing Market Assessment by the Council establishes a requirement for 10% provision in South Durham, amounting to 2 dwellings in this case. The applicant has indicated that they are willing to enter into a S106 Agreement to secure this requirement. Whilst it is recognised that the scheme would delivered the required amount of affordable housing this in itself should not render an unsuitable site acceptable for development.

### Infrastructure and open space provision

79. The School Places Manager has advised that the proposed development is likely to generate an additional 7 primary age school pupils and 3 secondary age school pupils. There are insufficient primary school to accommodate additional pupils from this development. Consequently a contribution of £101,612 would be required for additional teaching accommodation. This would be secured through a S106 Agreement.
80. In respect of open space/recreation facilities, SBLP Policies L1 and L2 set out that for every 10 dwellings developed 100sqm of informal play space and 500 sqm of amenity space should be provided, along with new equipped play areas where appropriate. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010, which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
81. Given the scale of the development and that there is an existing play area within walking distance of the site is considered appropriate to seek a financial contribution towards the enhancement of existing open space provision in the area. This development would generate a required contribution of £44,880 to be secured through a S106 agreement. This would satisfy the OSNA requirements and objectives in NPPF Part 8.

### Impact on the character and appearance of the surrounding area

82. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. SBLP Policy D9 seeks to encourage the incorporation of public art within developments wherever possible. Policy E15 seeks to avoid the loss of trees and hedgerows on site. This is reflected in Parts 7 and 11 of the NPPF which also seek to promote good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

83. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. It is therefore considered that full weight can be afforded to the aforementioned local plan policies due to their compliance with the NPPF in this respect. Therefore the key policy consideration in this matter is whether the proposed development would represent an appropriate natural extension to the village or would be read as an incursion into the open countryside and whether it represents good design.
84. Landscape officers note that the site lies within a Landscape Conservation Area with the strategy of 'Conserve and Restore' as defined in the Durham Landscape Strategy, but not within any nationally or locally designated landscapes. The site is predominately green field which benefits from mature tree and hedgerow planting. Whilst there is some sporadic development to the north the remainder of the site is bounded by open fields or mature woodland. The site is located approximately 270m south of what could reasonably be determined as the main built up area of Byers Green. Although the surrounding landscape is not covered by any national or local landscape designation, the site and surrounding land form part of an attractive approach into and out of Byers Green.
85. The layout and appearance of the proposed development is not under consideration, at this stage but the submitted information suggests that the development would be arranged around a series of cul-de-sacs with small areas of public open space through the scheme. The surrounding area is rural in character and where there is some adjacent development immediately to the north and beyond this is close to the adjacent highway in a linear form until the main built up settlement of Byers Green is reached. This development is piecemeal with landscaping gaps that allows views into the countryside. It is considered that the current proposal which is suburban in style represents an inappropriate incursion into the landscape and countryside in a manner which is poorly related to the form and layout of existing development. A development of this scale would have a negative effect on the local landscape character of a different order and nature to the existing buildings along the approach into Byers Green. Development in this location would not form a natural extension to the existing settlement.
86. There are various trees and hedgerows on the site, which contribute to the local landscape character. To facilitate the development there is a requirement to remove large sections of hedging and a number of trees. It is estimated that 15m of hedging either side of the proposed access would need to be removed to accommodate sight visibility splays. Whilst this is disputed by the agent it is not considered that sufficient evidence has been provided to demonstrate that a greater proportion of the existing hedge could be retained. Notwithstanding the concerns highlighted earlier in this section and whilst the landscape mitigation measures could be agreed, these would take years to develop and would increase visibility into the site. Even if the existing hedge could be replicated it would sit in a suburban rather than agricultural/rural setting.
87. Whilst the tree root protection areas have not been calculated for existing trees it is likely that protective fencing could be installed to safeguard these and this matter could be conditioned. However any properties that are sited along the woodland boundary to the south are likely to be overshadowed by the mature trees which may increase pressure on the woodland post development.
88. The incursion of the built form into the open countryside and loss of vegetation are both aspects of the development which are considered to cause a significant adverse

impact upon the immediate countryside and street scene in conflict with Policy D1 of the SBLP and Paragraph 58 of the NPPF which aims to protect the character of areas and streetscapes. The applicant has agreed to the provision of public art within the development which can be secured by condition.

### Access and Highway Safety

89. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Objections have been received regarding increased traffic movements and vehicle speeds along the road that leads into Byers Green.
90. Although the proposal falls below the threshold requiring a Transport Statement the applicant has submitted one in support of the application. In appraising the scheme the Council's Highways Officer raises no objection as an appropriate means of access into the site could be achieved subject to a condition being imposed relating to the 2.4 x 125 metres junction sight visibility splays. Informatives are also recommended relating to the relocation of the 30mph speed limit so that it came into effect in advance of the site entrance, together with the creation of a 20mph zone within the development and the use of non-standard construction materials. No concerns have been raised with regards to the capacity of the surrounding road network to adequately accommodate the levels of traffic likely to be generated by the development.
91. Overall it is considered that the development would not adversely impact on highway safety on the surrounding road network and that an appropriate means of access could be secured. While the details regarding highway layout, parking provision and accessibility would need to be agreed in any future reserved matters application, there is no conflict with the above mentioned policies and NPPF.

### Residential amenity

92. One of the twelve core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. SBLP policies D5 and H17 require that satisfactory levels of amenity and privacy are achieved for both the new dwelling and existing adjacent dwellings. SPG Note 3 establishes minimum separation guidelines of 21m between facing principal elevations and 14m between principal and gable elevations. These policies are considered to be in accordance with the intentions of the NPPF.
93. Based on the indicative layout and relationship with existing properties and subject to a number of small amendments, it is considered that a scheme could be devised that would protect the amenity of neighbouring land users and achieve minimum separation distances. No nuisance, noise or disturbance impacts above those associated with residential uses are predicted.
94. The Environmental Health Section has highlighted the potential for disturbance during the construction period. However it is accepted that this would be a relatively small scale development with short lived impacts. Subject to the imposition of a condition relating to a Construction/Demolition Management Plan to assess noise, vibration, dust and light in relation to nearby occupants and detailed mitigation measures to limit any potential impacts no objections to the scheme. It is therefore recommended that conditions to control construction hours would be sufficient mitigation in this case.
95. There is no conflict with the above mentioned policies and NPPF.

## Ecology

96. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that the local planning authority take into account, protects and mitigates the effects of development on biodiversity interests. Following initial comments from the County Ecologist the submitted ecological reports have been updated to include reports on badgers, bats, hedgerow and grasslands.
97. The reports highlight that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. Bat roosts are however present in the surrounding area and it is likely that they use the site as a commuting area. The County Ecologist has considered the content of the submitted information and has advised that subject to the imposition of planning conditions to secure details of the number and location of bat roosts to be incorporated within the fabric of the new dwellings and an appropriate lighting scheme to ensure that bat flight lines and dark corridors are retained there would be no adverse impact on protected species.
98. The development impacts on approximately 1ha of moderate species rich grassland with other impacts on hedgerows. The mitigation proposed includes small areas of wildflower planting, new hedgerow and as yet undefined enhancements to the internal hedgerow however the value of this is diluted given habitats are likely to be highly disturbed and isolated by the new development. In order for the development to meet the requirements of the NPPF compensation is required for the impacts on the grassland in its entirety with the current proposed mitigation providing the net gain as required by the NPPF. A contribution of £16,105 would be secured through a S106 Agreement to improve and manage an existing amenity grassland site, extending to 1ha, in the surrounding area. A condition would also be required to secure the production of a biodiversity management plan for the development site including the requirement to submit monitoring reports at specified timeframes.
99. Subject to securing the financial contribution and the imposition of the three conditions outlined above the scheme is considered to be acceptable with regard to NPPF Part 11 and policy E11 of the SBLP.

## Other Issues

100. The Contaminated Land Section has reviewed the submitted geo-environmental appraisal and agree with the conclusions and recommendations. They suggest a condition is imposed in regard to site investigation and risk assessments.
101. The site is not in an area at risk from flooding however as the proposal represents a major development the Lead Local Flood Authority has been consulted. Following amendments it has now been confirmed that they are satisfied with the information provided within the revised Flood Risk & Drainage Assessment. Northumbrian Water has requested that a condition is imposed in relation to foul and surface water drainage so they can fully assess their capacity to treat the flows from the development.
102. In support of the application a geophysical survey has been submitted which has shown possible building remains on site. The results of the survey now need to be tested through trial trenching which should be carried out in support of the reserved matters to allow for further mitigation if necessary. These works can be secured by planning condition.

103. The development is expected to embed sustainability to support the NPPF aims of reducing greenhouse emissions. Sustainability officers have requested a condition to secure this however this would be achieved through the building regulations.

104. A number of objections have been received in relation to the proposed development of the site. The stated grounds of objection have been addressed within the report.

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## **CONCLUSION**

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105. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development need to significantly and demonstrably outweigh any benefits.

106. It is considered that weight should be afforded to the economic and social benefits of the additional housing supply and potential affordable housing contribution.

107. The proposed development is considered contrary to Paragraphs 38 and 61 of the NPPF, which promote the sustainable development of residential developments with close access to key facilities and services. As set out above, the proposed development would result in adverse impacts through its poor access to services and facilities, adverse landscape impact and loss of existing vegetation. It is considered that development in this location would not form a natural extension to the settlement of Byers Green, but represent a significant incursion into an attractive landscape. This would have a local, but significant adverse impacts on the surrounding countryside.

108. On balance, it is considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits of the scheme. It is not considered that there are material planning considerations which indicate otherwise therefore the application is recommended for refusal.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reason;

The Local Planning Authority considers that the proposed development in terms of its location and poor access to services and facilities reliance upon private car movements and adverse landscape impacts would significantly and demonstrably outweigh the benefits of the scheme in the context of Paragraph 14 of the NPPF, and accordingly, the proposals are considered contrary to Policies H8, H11 and D1 and ENV1 of the Sedgefield Borough Local Plan and Paragraphs 7, 17, 56 and 61 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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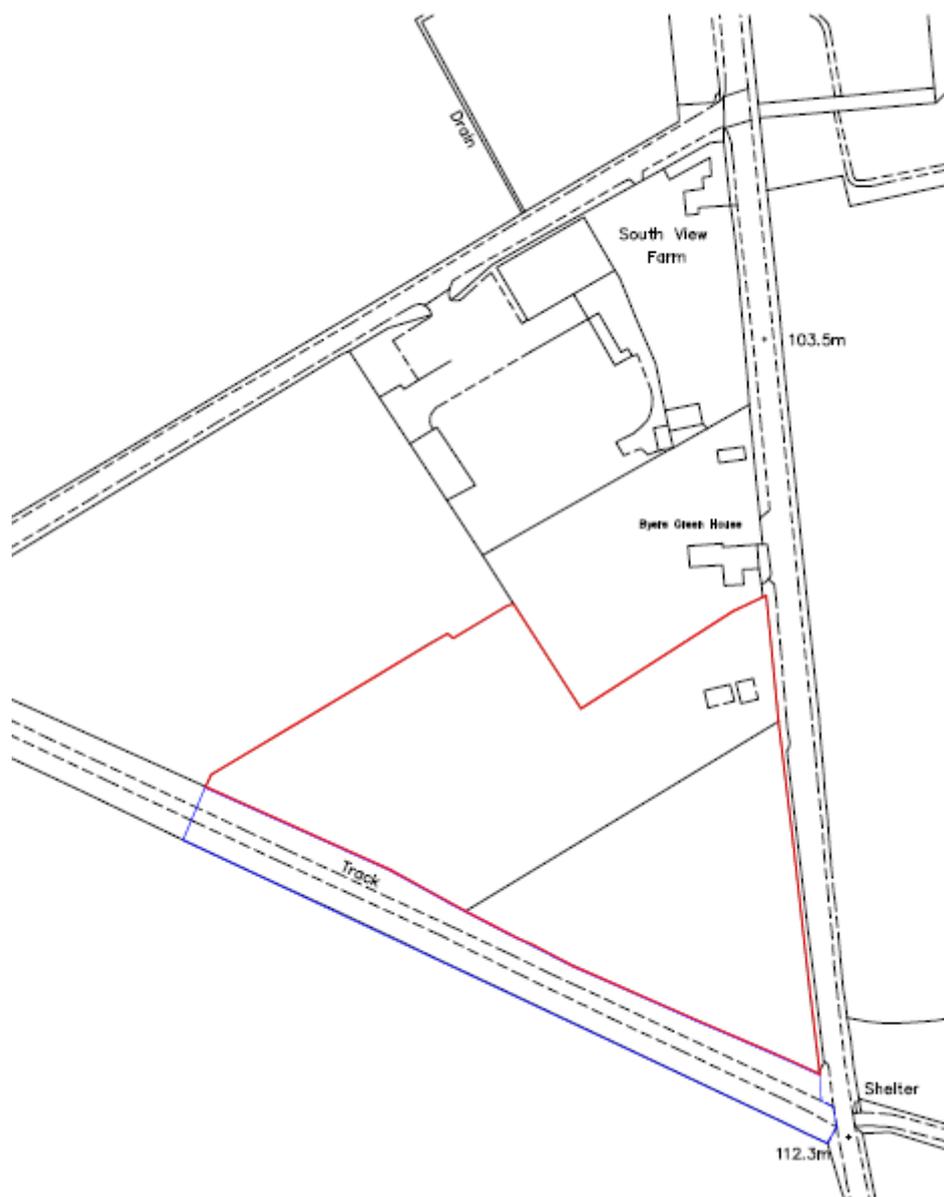
In considering the application the Local Planning Authority has sought to adopt a positive and proactive approach to the determination of the application in accordance with the requirements of the NPPF to promote the delivery of sustainable development. In this instance however on the balance of the information available it is not considered that a positive outcome could be achieved.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Sedgefield Borough Local Plan
- Evidence Base Documents
- Statutory, internal and public consultation responses



**Planning Services**

**Outline application for residential development of up to 22 dwellinghouses with all matters reserved (amended plans and description 12/10/2017)  
Pillar Three Developments Limited  
Land To The South Of Byers Green House, Church Street, Byers Green  
Ref: DM/16/03445/OUT**

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**Date**  
22<sup>nd</sup> March 2018

**Scale**  
Not to scale

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/18/00149/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	10no. bungalows and 4no. single level living apartments for affordable rent/shared ownership
<b>NAME OF APPLICANT:</b>	Livin
<b>ADDRESS:</b>	Former Dean Bank Grange, Hackworth Close, Dean Bank, Ferryhill, Co Durham
<b>ELECTORAL DIVISION:</b>	Ferryhill
<b>CASE OFFICER:</b>	Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application relates to a previously developed parcel of land (some 0.3Ha) located to the west of Hackworth Close, Ferryhill. This southward sloping site was previously occupied by Dean Bank Grange (a Livin managed sheltered housing unit comprising 31no. flats occupied as retirement housing) with surrounding areas of open and private amenity space. Following its demolition in 2017 the site was enclosed by low level bird mouth fencing and left to grass, with a landscaped area comprising trees and shrubbery retained centrally towards the western site boundary.
2. The site is bordered to the north, east and south by public highway including a parking court area, with bungalows beyond to the north west, north, north east and south. To the east are allotment gardens. A public footpath to the west separates the site from further residential properties on Crompton Court.
3. Permission is sought to construct 14no. residential units, comprising 10no. 2 bed bungalows (6no. semidetached and 4no. terraced) and 4no. single level apartments constructed over two storeys. These would be marketed towards the over 55 age group and disabled persons. The apartments would be made available for affordable rent and the bungalows for affordable rent and intermediate low cost home ownership. All units would be served by private amenity space, with the existing landscaped area towards the western site boundary retained for communal use. The development would utilise an existing parking court located to the north west of the site which previously served the former Care Home and which currently serves neighbouring properties on Hackworth Close, with an additional 12no. off street parking spaces provided directly off Hackworth Close to the south and east of the site.
4. The applicant is to enter into a s106 agreement to secure 2no. dwellings (identified as plots 1 and 2) as affordable rented accommodation in perpetuity. Given the scale of the development, an open space requirement of 0.093ha would be required in accordance with the Councils Open Space Needs Assessment, of which a provision of 0.050ha is included within the defined site area. Therefore a financial contribution of £14,075 will be made to cover the shortfall of open space, within the S106 Agreement.

5. The application is being reported to the Planning Committee in accordance with the Councils scheme of delegation relating to major applications.

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## **PLANNING HISTORY**

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6. An application for the prior approval of the Planning Authority for the demolition of the former sheltered housing unit that occupied the site was agreed in September 2016 (ref: DM/16/02641/PND).

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal;
9. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
10. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
11. *Part 7 – Requiring good design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
12. *Part 10 – Climate Change, flooding and coastal change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
13. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity.

## LOCAL PLAN POLICY:

14. The development plan is the Sedgefield Borough Local Plan saved policies:
15. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
16. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
17. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.
18. *Policy E15 – Safeguarding of woodlands, trees and hedgerows* - seeks to ensure that new proposals retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost.
19. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.
20. *Policy L2 – Provision of open space in new housing development* – seeks to ensure open space provision in housing developments of 10 or more dwellings.
21. *Policy L5 – Safeguarding of areas of open space* – sets criteria for the retention of areas of open space.

## RELEVANT EMERGING POLICY:

The County Durham Plan

22. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

23. *Town Council* – Has made no comment on the application.
24. *Highway Authority* – No objections.

25. *Coal Authority* – No objections, subject to the imposition of condition.
26. *NHS* – Has made no comment on the application.
27. *NWL* – No objections, subject to conditions controlling foul and surface water drainage from the site.

**INTERNAL CONSULTEE RESPONSES:**

28. *Ecology* – No objections.
29. *Environmental Health (Contaminated Land)* – No objections, subject to condition.
30. *Environmental Health (Noise)* – The granting of permission for the development may potentially result in a statutory nuisance in terms of the impact on existing residential dwellings during the construction stages. However, no objections are raised subject to the submission, approval and adherence to a Construction Management Plan (CMP).
31. *Landscape (Arboriculture)* – No objections subject to adherence to the submitted Tree Protection Plan and Arboricultural Method Statement.
32. *Spatial Policy* – Paragraph 14 of the NPPF is relevant and the scheme should be granted planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. The site was previously developed and centrally located within the urban area of Ferryhill and is not of high environmental value.
33. *Drainage* – The proposal should comply with the NPPF which states that those proposing development are responsible for drainage designs which reduce flood risk to the development and elsewhere, potentially through the use of Sustainable Drainage Systems (SuDS).
34. *Affordable Housing* – Offer support to the scheme which provides affordable housing despite falling under the threshold of 15no. units for which affordable housing provision of 10% would be mandatory.
35. *Education* – Has made no comment on the application.
36. *Sustainable development / Energy* – Has made no comment on the application.

**PUBLIC RESPONSES:**

37. The application has been publicised by way of site notice and notification letters to neighbouring residents. 2no. letters of concern have been received from residents on Hackworth Close who raise no objections to the principle of developing this site as proposed but do express concern over parking provision in the surrounding area which may not be able to support the new development. Concerns are also raised over the safety of locating 2no. parking bays to the front of plots 13 and 14 to the south of the site.

**APPLICANTS STATEMENT:**

38. The site at Hackworth Close was formerly occupied by the Dean Bank Grange sheltered housing unit which was demolished in 2017 following decreasing occupancy levels and an options appraisal to determine the future sustainability of the building.

39. The application is for the construction of 10no. two bedroomed three person bungalows and 4no. single level-living apartments which take advantage of the natural topography of the site. The design aims to offer attractive homes for older person accommodation in a setting in which people will choose to live and form a strong socially sustainable community. The scheme takes advantage of existing landscaping and trees on the site and dwellings to the southern sections of the site are arranged around a shared communal garden area to encourage community formation and allowing residents to support each other.
40. The proposed scheme layout is arranged to complement the adjoining existing properties, while providing active street frontages and suitable parking provision. All garden areas offer overlooking to aid security and provide a feeling of safety.
41. Homes will offer both a choice of affordable rented accommodation or the option to purchase via low cost home ownership. Two homes will be offered via a S106 agreement for affordable rent in perpetuity and additionally a contribution to off-site open space provision.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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42. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, scale/design, privacy/amenity, highways, arboricultural impact, ecology, land contamination, coal mining, open space, drainage and planning obligations.

The principle of the development:

43. The application site is located within the Ferryhill settlement which is classified as a smaller town/larger village within the County Durham Settlement Study. Policy H1 of the Sedgefield Borough Local Plan concerning housing development within Ferryhill was not saved with the development plan now silent in this regard. Where the development plan is absent, silent or relevant policies are out of date, paragraph 14 of the NPPF explains that planning permission should be granted unless any adverse impact of the propose development would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
44. In this instance there are no specific policies within the NPPF which indicate that the proposed development should be restricted. The overarching principles of the NPPF seek to secure development in sustainable locations. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities.
45. Saved policies H17 and D5 of the Sedgefield Borough Local Plan support new residential development on backland and infill locations where this can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.

46. The application site is in an established residential environment with good links to local amenities and services in the town and surroundings. Until recently the majority of the site was occupied by a sheltered housing unit prior to its demolition, with the principle of 14no. residential units on previously developed land, in this sustainable and accessible location considered acceptable subject to all relevant material planning considerations. Redevelopment of the site would comprise 10no. 2 bed bungalows and 4no. 2 bed apartments (built over two storeys) that would be made available at affordable rent for the elderly and disabled. Such provision would support the aims of part 6 of the NPPF which seeks to deliver a wide choice of high quality homes across the County.

#### Scale/Design:

47. Part 7 of the NPPF and saved policies H17 and D1 of the Sedgefield Borough Local Plan seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site. The application site is not located within a Conservation Area or area of special control.
48. Set within residential surrounds the site was formerly occupied by a two storey sheltered housing unit which sat amongst neighbouring bungalows on Hackworth Close. The proposed bungalows fronting south and east onto Hackworth Close would be of a basic, modern design, respecting bungalow development to the north, north east and south. The proposed 2 storey apartment block located towards the centre of the site would be of split level design, having a bungalow scale when viewed from existing bungalows and the parking court to the north, and two storey appearance when viewed from the south (owing to the changing topography across the site). This two storey element would respect adjacent two storey development to the west on Ramsey Drive and Compton Court whilst being of a scale which would not appear disproportionate to the adjacent bungalow terraces to the north west and north.
49. The proposed semi-detached and terraced building forms would relate acceptably to surrounding terraces and detached properties further to the west with the elevational treatment to comprise a mix of off white render panels with timber style cladding and brickwork base to match materials used in the adjacent developments. A slate effect roof tile would also be used. Although not entirely sympathetic to the surrounding brick and tile built bungalows which surround the site, this modern development would not appear incongruous or out of character to its setting, providing a welcome mix of modern house types.
50. Given the change in levels across the site with land falling away to the south, the development would incorporate a staggered layout which follows existing ground levels, stepping down the site. The proposed bungalows and single level apartments would be of an acceptable scale and appearance which would not detract from their surrounds, satisfying the principles of Part 7 of the NPPF and saved policies H17 and D1 of the Sedgefield Borough Local Plan.

#### Privacy / Amenity:

51. Saved policies H17, D1 and D5 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide satisfactory amenity and privacy for new and existing adjacent dwellings. Supplementary Planning Guidance Note 3 sets minimum separation criteria between dwellings, requiring a minimum 21m distance between opposing windows of primary elevations and 14m between primary and gable elevations of neighbouring property.

52. The proposed bungalows fronting east onto Hackworth Close would face towards allotment land and no's 14-16 Hackworth Close beyond the main carriageway. A separation of approximately 22m would be achieved between the front elevations of proposed plots 5, 6 and 7 and the principal elevations of those properties directly opposite. A separation of 19m would be achieved between the side (north facing) gable elevation of plot no.5 and the front (south facing) elevation 24 and 25 Hackworth Close opposite. The rear (west facing) elevations of plots 5-8 would maintain a minimum separation in excess of 30m from the nearest properties to the west, beyond the parking court area. To the south of the development site, a separation of 22m would be maintained between the front (south facing) elevations of plots 13 and 14 and the front (north facing) elevation of no's 9 and 10 Hackworth Close.
53. Within the development site, a separation of approximately 10m would be achieved between the rear (west) facing elevation of plots 11 and 12 and the eastern gable elevation of Plot 13. However given the single storey nature of the dwellings, and the provision of a suitable boundary enclosure to restrict overlooking (1no. side facing lounge window in plot 13 would face the rear kitchen and bedroom openings of plots 11 and 12 opposite), it is considered that the privacy of future occupants of these dwellings would be safeguarded. Furthermore the single storey scale would ensure no unreasonable overshadowing of neighbouring plots.
54. With regards the proposed 2 storey apartment block within the centre of the site, satisfactory separation in excess of the minimum 21 and 14m would be achieved from neighbouring uses in all directions, ensuring no loss of privacy or overshadowing of surrounding plots.
55. Details of enclosures are confirmed in submitted plans and would ensure satisfactory privacy between neighbouring plots without appearing overbearing, whilst being of a sensitive scale and design which respect the surrounding street scene. Garden areas and communal amenity areas would be landscaped with such detail to be controlled by condition in the interests of amenity and visual impact. Furthermore, it is considered that permitted development rights for extensions and outbuildings should be removed by condition given the limited space available around each dwelling so as to ensure the existing separation distances are not unacceptably reduced in the interests of residential amenity.
56. With regards to the demolition and construction phases, it is inevitable that some level of disturbance to neighbouring residents would result from site operations. However, this can be appropriately controlled in terms of site operations and operational hours so as to ensure the limitation of noise emission from the site during more sensitive hours. The Environmental Health section consider that any planning permission be subject to a condition requiring the submission, prior approval of and adherence to a detailed construction management plan. Subject to the above, the proposed development is considered to satisfy the provisions of saved local plan policies H17, D1 and D5 and SPGNote3.

#### Highways:

57. Saved policies H17 and D3 of the Sedgfield Borough Local Plan, and Part 4 of the NPPF require new development to achieve a safe and suitable access. NPPF paragraph 32 states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are considered to be severe.

58. The 14no. residential units proposed would be accessed directly from the surrounding road network. The existing hardstand parking court located to the north west corner of the site was historically used by the care home as well as surrounding residential properties and can presently accommodate up to 22no. parked vehicles on an informal basis. Since the demotion of the care home, this area has been used primarily by the 16no. bungalows on Hackworth Close which frame this area to the north and west. However this is an unallocated parking area with no designated spaces to the surrounding 16no. properties, all of whom are understood to be Livin tenants.
59. Based on a calculation of 1no. space per bungalow, this results in a surplus of 6no. spaces within this area. The proposed 14no. 2 bed units would be served by 12no. additional off road parking spaces as part of the development, located to the south and east of the site. Taking into account the 6no. surplus spaces to the north west, it is considered that 18no. off street parking spaces would be available for the 14no. new dwellings in the immediate vicinity.
60. A total of 30no. Livin properties would therefore have access to 34no. car parking spaces across the development site including the existing parking court area to the north west. Whilst regarded as a low level of car parking provision, there seems little or no opportunity to create any additional on-site car parking without reducing the number of units proposed (thereby impacting the viability of the scheme which already focuses on affordable provision) or without encroaching into the provision of on site landscaping. In view of the foregoing, the highway authority raise no objection to these proposals.
61. The 14no. 2 bed bungalows would be targeted towards the over 55s and disabled persons with the site located in a sustainable and accessible location within the Ferryhill settlement which does not place significant pressure on private vehicle ownership. Likewise the existing properties which surround the site are also Livin properties aimed towards the elderly who have historically shared the existing parking area with the former care home.
62. Although an increase in off street provision would have been preferable, the proposed levels are considered acceptable taking into consideration the location of the site and target ownership, and would not lead to residual cumulative impacts which could be classed as severe. The concerns of local residents in respect to parking are noted and the highway authority advise that the existing parking situation to the north of the site could be improved through the painting of white lines within the parking court area to help prevent poor parking and maximise the efficiency of available space. Although falling outside of the application site boundaries it is considered reasonable to secure this detail through a Grampian condition in the interests of highway safety with the applicant agreeing to this additional control.
63. Subject to the above, there would be no highway objections to the proposals and no conflict with policies H17 and D3 of the Sedgefield Borough Local Plan, and NPPF paragraph 32. The creation of the 6no. parallel car parking spaces and 1.8 meters wide footway to the front of Plots 9-12 inclusive would be partly located in the public highway and part in the private land associated with the former Dean Bank Grange. As such the applicant would need to contact DCC Highways adoption engineers to agree construction specifications and how the approved works will be formally adopted.

#### Arboricultural impact

64. Saved policy E15 of the Sedgefield Borough Local Plan seeks to ensure that new proposals retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost. The majority of the application

site was previously developed although since demolition of the sheltered housing unit, the land has been left to grass pending redevelopment. A number of unprotected trees and low level hedgerow planting from the previous use remain in place towards the western boundary of the site, with a separate small grouping also located just outside of the defined site to the north west.

65. The application is submitted alongside a Tree Protection Plan, Arboricultural impact Assessment and Method Statements which indicate that most of the existing planting on the site is to be retained and accommodated into the proposed development within a central area of communal open space. Existing planting beyond the north west corner of the site would remain unaffected.
66. It would be necessary to remove some of the existing trees along the western site boundary to facilitate the proposed development and to establish a higher level of arboricultural management for the site. The remaining trees to be retained would be suitably protected throughout the course of development, with new footpaths to be installed within root protection areas to incorporate a 'no dig', tree friendly methodology. A separate landscape plan has been submitted detailing the planting of new trees, low level beech hedges and shrub beds throughout the development site to mitigate the loss of existing trees and provide a higher quality development scheme.
67. The Arboriculture section raise no objections to the proposed development subject to adherence to the actions set out within the submitted Tree Protection Plan and Method Statement. Subject to the above, the application is considered to satisfy the provisions of saved policy E15 of the SBLP.

#### Ecology:

68. Part 11 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. The ecology section raise no objections to the proposals, noting the original building which occupied the site to have been demolished in 2017 and the current condition of the site. There would be no perceived impact on protected species with the proposals considered to satisfy the provisions of Part 11 of the NPPF. The applicant has provided separate assurances to the Ecology section that they have adhered to the conditions of their protected species license regarding the demolition of the former building and the alternative provision of bat boxes elsewhere on the site. This includes bat box provision within trees to be retained, with other to be incorporated into the gables of plots 1, 3, 9 10 and 13 as detailed on submitted plans.

#### Land contamination:

69. Part 11 of the NPPF seeks to prevent unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The application has been submitted alongside a phase 1 desk study and a phase 2 site investigation report which identify further sampling of the topsoil and subsoil is required. Further remedial works are required in relation to the soils on site, with gas monitoring and identification of unrecorded coal seams ongoing. No objections are raised subject to the imposition of a condition controlling these further works prior to commencement of development. Subject to the above, the application would satisfy the provisions of Part 11 of the NPPF.

#### Coal Mining:

70. Part 11 of the NPPF seeks to prevent unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable historic unrecorded underground coal mining activity at shallow depth.
71. The applicant has obtained appropriate an up-to-date coal mining information for the proposed development site and has used this information to inform the Phase 1 Desk Study which accompanies the planning application. The study confirms that historic shallow mine workings pose a risk to the stability of the proposed development with further site investigations recommended. A Phase 2 Site Investigation also accompanies the application which is unable to confirm the undertaking of the intrusive site investigation as recommended within the Phase 1 Study. The Coal Authority raises no objections to this planning application subject to the imposition of an appropriate planning condition to secure these works.
72. Subject to adherence to this condition, the application is considered to satisfy the provisions of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. Further detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent Building Regulations application.

Open space:

73. Saved policy L5 of the Sedgefield Borough Local Plan seeks to ensure the retention of areas of open space. Historically the application site was occupied by a sheltered housing unit with surrounding parcels of open space. Following the demolition of this building the land was grassed over pending redevelopment, but at no time formed designated open space within the authority's open space needs assessment. The proposed redevelopment would provide areas of open amenity space and private garden land interspersed throughout the site. Large areas of open space exist close to the site at the Dean Bank Recreational Ground to the south and there is adjacent allotment land to the east.

Drainage:

74. Part 10 of the NPPF seeks to ensure that those proposing development are responsible for drainage designs which reduce flood risk to the development and elsewhere, potentially through the use of Sustainable Drainage Systems (SuDS). Surface water arising from a developed site should, as far as is practicable, be managed to mimic the surface water flows arising from the site prior to the proposed development, while reducing the flood risk to the site itself and elsewhere.
75. Given the scale of the development and the topography of the site, noting existing drainage capacity in the area, the applicant has discussed the requirement for the creation of a SuDS scheme as part of the proposed development with Drainage Engineers, identifying a suitable SuDS location within the proposed communal landscape area to the centre of the site, and agreeing a basin scale which would be deemed adequate for a development of this size. Such details are accepted in principle but remain subject to scrutiny upon receipt of a detailed plan and supporting calculations. It is considered reasonable to condition approval subject to the written approval of all SuDS details prior to the commencement of development, and adherence to approved details thereafter.

#### Planning obligations:

76. Open Space provision - The Open Space Needs Assessment (OSNA, 2010) sets out the most up to date position in respect to open space provision across the County and provides a formula for calculating requirements on a site specific basis. This is a relevant material consideration in conjunction with Policy L2 of the SBLP and paragraph 73 of NPPF. Paragraph 173 of the NPPF is clear that to ensure viability, the costs of any requirements to be applied to development, should provide competitive returns to a willing land owner and willing developer to enable the development to be delivered. Given the scale of the proposals the Local Planning Authority would expect S106 open space contributions of 0.093ha, of which a provision of 0.050ha is included within the development site area. The applicant has agreed to provide an additional financial contribution of £14,075 to cover the shortfall of open space, to be covered within a S106 Agreement.
77. Affordable Housing - The NPPF is supportive of delivering affordable housing as a component of ensuring sustainable development. The 2016 SHMA County Durham identifies an annual need for approximately 378no. additional affordable units across the County. The applicant is a social housing provider who has stated that all of the 14no. units would be made available at affordable rent and shared ownership levels, with two if these to be offered for affordable rent in perpetuity. Given the scheme totals only 14no. units there is no requirement for any of these units to be provided at affordable levels (falling under the 15no. threshold). The provision of 14no. units with 2no. of these to be provided as affordable within perpetuity is therefore welcomed, with any approval subject to the satisfactory completion of a s106 agreement securing this provision.

#### Planning balance:

78. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. In cases where existing policies for the supply of housing are out of date, paragraph 14 of the NPPF is engaged and the acceptability of a proposal needs to be considered in the context of the planning balance test. This requires that applications should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework as a whole.
79. The application site concerns previously developed land, centrally located within the existing Ferryhill settlement, in close proximity to shops and services within the main town. The economic benefit resulting from the delivery of these properties through their construction and the future economic activity of residents would be seen as a benefit. Likewise, the provision of 14no. residential units aimed at older and disabled persons within an established residential setting would contribute to the mix of house types whilst meeting a defined need for older persons flats and bungalows across the County. Furthermore, affordable housing provision (with 2no. to remain in perpetuity) would be in line with the requirements set out within the 2016 SHMA.
80. The proposed dwellings would be of a scale and design sympathetic to their surrounds without impacting the amenities of neighbouring properties or the wider character of the street scene with associated parking provision to be provided away from the main highway.
81. It is acknowledged that the redevelopment of the site would lead to some temporary disturbance to local residents during the construction period. However such concerns can be effectively managed through condition, controlling working hours and

construction activities so as to minimise the adverse impacts relating to site development. Furthermore, whilst the loss of an area of informal, privately owned amenity space and limited landscaping is regrettable, this has only recently been made available and it was never the intention to retain this land for such use. Submitted plans indicate the retention of improved on-site open space areas and landscaping and the provision of compensatory planting together with a financial contribution to address any shortfall in open space provision.

82. Having regard to the above, it is considered on balance that the adverse impacts of the development are significantly outweighed by the overall benefits.

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## CONCLUSIONS

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83. Paragraph 14 of the NPPF details how Planning Authorities should approve development proposals which accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out-of-date; Planning Authorities should only grant permission where any adverse impacts of doing so would be significantly and demonstrably outweighed by the benefits.
84. The proposals would provide significant social and economic gains through providing 14no. dwellings, including affordable provision, to the mix and supply of housing within the settlement, utilising previously developed land within an established residential setting. In environmental terms the development could be achieved without causing harm to the character and appearance of the area. The development would result in a scheme that can be appropriately integrated within the surrounding residential street scene without compromising highway safety, residential amenity, open space provision, landscaping, ecology, drainage, coal mining or land contamination. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Sedgefield Borough Local Plan. In accordance with NPPF Paragraph 14 and the presumption in favour of granting permission, the proposal is recommended for approval.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the retention of 2no. affordable units in perpetuity and the agreed financial contribution of £14,075 to offset the shortage of open space provision, and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:  
16017 P100 (Site Plan), received 17 January 2018  
16017 P120 (Plans), received 17 January 2018  
16017 P205 (Sections), received 17 January 2018  
16017 P215 (Site sections), received 17 January 2018

16017 P220 (Roof plans), received 17 January 2018  
16017 P300 (Elevations), received 17 January 2018  
16017 P301 (Elevations), received 17 January 2018  
16017 P302 (Street elevations), received 17 January 2018  
773/LA1 (Landscape Plan), received 17 January 2018  
773/LA2 (Bed planting plants), received 17 January 2018

*Reason: For the avoidance of doubt and in the interests of proper planning.*

3. Prior to the commencement of the development hereby approved, intrusive site investigation works shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. A report detailing the findings of these investigations shall be submitted to and approved in writing by the Local Planning Authority alongside a scheme of remedial works (where relevant) prior to the commencement of development. The approved remedial works shall be implemented on site prior to the commencement of development.

*Reason: The application site is located within a defined development high risk area where there may be coal mining features and hazards which would need to be considered in relation to the determination of the application in accordance with Part 11 of the NPPF.*

4. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

#### Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

#### Completion

(c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part a of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance

with part b of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

*Reason: The site may be contaminated as a result of past or current uses. The Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.*

5. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The CMP shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall include:

An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.

An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance taking into account relevant guidance such as BS5228 'Code of practice for noise and vibration control on construction sites' 2014.

Where it is necessary to undertake piling on the site details shall be provided justifying the method of piling used so as to minimise disturbance, from noise and vibration, to the occupants of nearby premises.

Details of the operating hours during which construction/demolition works are to be undertaken. Durham County Council's accepted hours for construction/demolition activities that generate noise are 07:30 – 18:00 Monday – Friday, 08:00 – 14:00 Saturday and no noisy working on a Sunday or Bank Holiday.

Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.

Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: In the interests of the residential amenity of neighbouring properties and to comply with saved policies D1 and H17 of the Sedgfield Borough Local Plan.*

6. No development shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.  
*Reason: To prevent pollution of the water environment in accordance with Part 10 of the NPPF.*
7. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.  
*Reason: To prevent pollution of the water environment in accordance with Part 10 of the NPPF.*
8. Prior to the first dwelling progressing beyond damp proof course level, plans detailing a SuDS system to ensure the appropriate surface water drainage discharge of the site shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be carried out in full accordance with the approved details prior to the first occupation of the development hereby approved and maintained thereafter.  
*Reason: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, whilst not increasing flood risk elsewhere in accordance with Part 10 of the NPPF.*
9. Prior to first occupation of the dwellings hereby approved, the existing public car parking spaces in the complete parking court area to the front of no's 2-8 Hackworth Close shall be demarked in white thermoplastic road marking paint or similar, details to be agreed in writing by the Local Planning Authority.  
*Reason: So as to ensure a satisfactory level of parking provision is maintained in accordance with saved policies H17 and D3 of the Sedgefield Borough local Plan.*
10. Prior to the first occupation of the dwellings hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping including details of any SUDS/drainage works, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.  
*Reason: In the interests of the visual amenity of the area and to comply with policies D1, H17 and E15 of the Sedgefield Borough Local Plan.*
11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species  
*Reason: In the interests of the visual amenity of the area and to comply with policies D1, H17 and E15 of the Sedgefield Borough Local Plan.*

12. Notwithstanding the provisions of Class A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwellings hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouses shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of the visual amenity of the area and to comply with saved policies H17, D1 and D5 of the Sedgfield Borough Local Plan.*

13. No development shall take place unless in full accordance with the submitted Tree Protection Plan, Arboricultural impact Assessment and Method Statements (AllAboutTrees, 10 October 2017).

*Reason: In order to ensure protection to existing trees on site in accordance with saved policy E15 of the Sedgfield Borough Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within the statutory determination period.

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## **BACKGROUND PAPERS**

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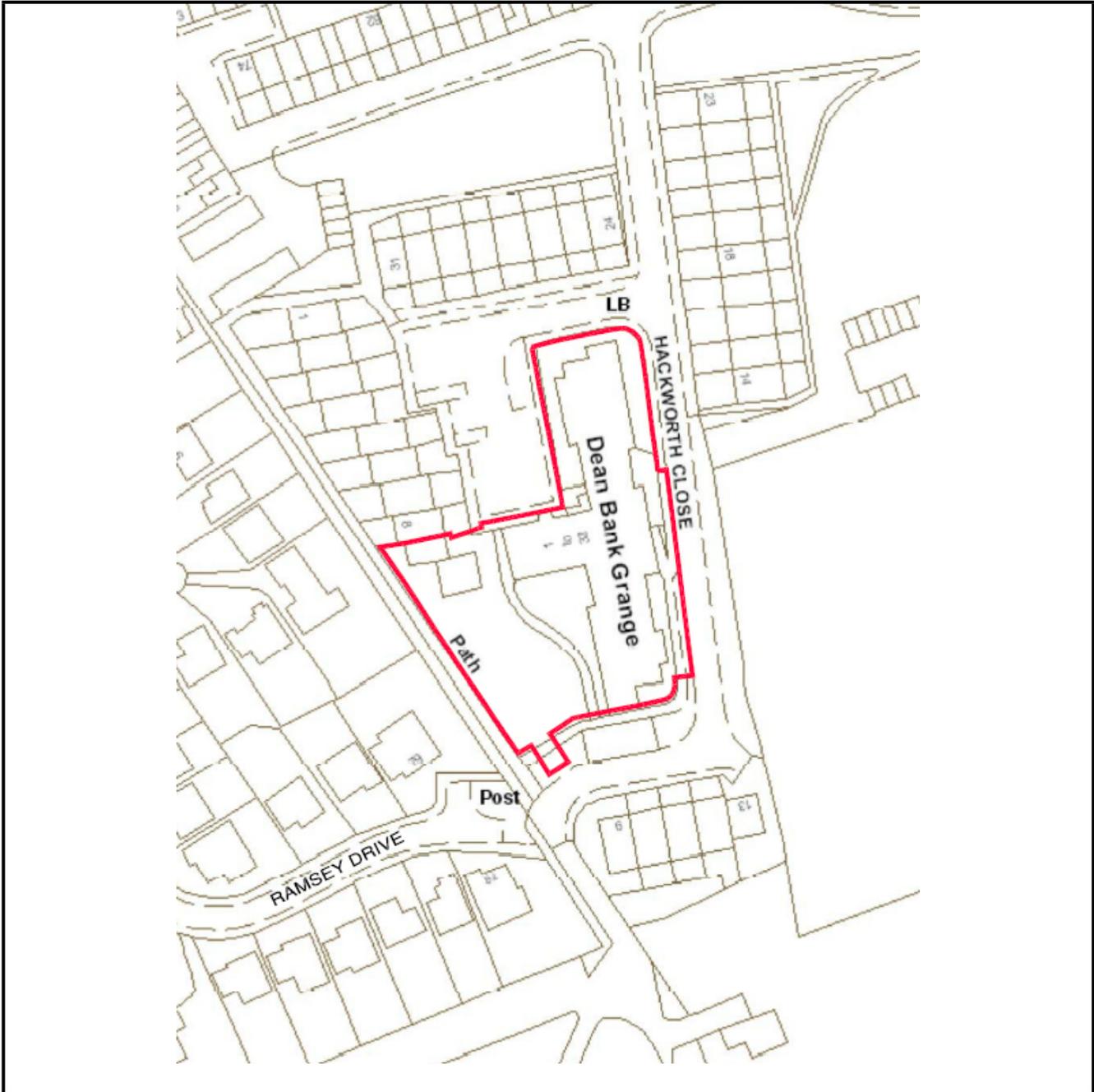
Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgfield Borough Local Plan

Statutory response from the Highway Authority, Coal Authority and NWL

Internal responses from Ecology, Environmental Health and Contaminated Land, Landscape, Spatial Policy, Drainage and Affordable Housing



**Planning Services**

10no. bungalows and 4no. single level living apartments for affordable rent/shared ownership

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**Comments**

**Date** 22 March 2018

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/17/04091/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of former care home and erection of 25 no. dwellings
<b>NAME OF APPLICANT:</b>	Mr Paul Green, North Star Housing Group
<b>ADDRESS:</b>	East Green Care Home, 3 East Green, West Auckland, DL14 9HH
<b>ELECTORAL DIVISION:</b>	West Auckland
<b>CASE OFFICER:</b>	Amy Williamson, Planning Officer, 03000 261391, amy.williamson@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site relates to a redundant care home building, which closed in 2010, situated on the north western side of the Green in West Auckland and vacant land to the rear of the building. The southern part of the site lies within the boundary of the West Auckland conservation area.
2. The building is a mid terrace property with existing dwellings to either side. It is of two storey height and of brick construction with a slate roof. The building is orientated in a linear east-west arrangement along the edge of the Green with two projecting wings to the rear. The windows and doors to the building are currently boarded up and both it and the land to the rear of the building, enclosed by palisade fencing, is in a derelict condition.
3. Beyond the palisade fencing runs a footpath linking Arnold Street to the east with Station Road to the west. To the north of the footpath lies an area of vacant land which also forms part of the application site and was part of a now demolished school site. A high stone wall encloses this land to the north, east and west sides which is also in a derelict state.
4. The site is surrounded by existing dwellings fronting the village green to the east and west sides, with other dwellings positioned behind these. Terraced dwellings on Station Road and Arnold Street lie to the north and a youth centre is situated immediately to the west of the redundant land forming the northern part of the site.
5. Planning permission is sought for demolition of the care home building and erection of 25 no. dwellings on the site for affordable rent. The dwellings would comprise 8 no. two bedroom bungalows, with the remaining 17 no. dwellings being a mix of two and three bedroom, two storey houses.
6. Two terraces of 5 no. two storey dwellings would front the Green with a small gap in between providing a pedestrian link to the existing footpath running along the front of the site. A further terrace of 5 no. two storey dwellings would run along the east side

of the site and on the west side facing this terrace would be a pair of semi detached two storey dwellings and a pair of semi detached bungalows. A row of 3 no. pairs of semi detached bungalows would be positioned in an east-west orientation to the northern part of the site.

7. All dwellings would be arranged around a central access road taken off Arnold Street to the north east corner of the site. A turning head would be provided in front of the northern row of bungalows, with a further turning head behind the southern terraces of two storey dwellings fronting the Green. 35 no. parking spaces would be provided, including 8 no. visitor parking bays. Most dwellings would have in curtilage parking, with other spaces being situated around the turning heads and in the form of laybys to the north of the site.
8. Each of the dwellings would have its own private garden to the rear and in some properties also to the front. The existing footpath across the site linking Arnold Street and Station Road would be removed to facilitate the development. However new footpaths through the site would be provided to maintain the link and the remainder of the footpath outside the application site would be upgraded to an adoptable standard.
9. A number of trees would be removed from the central part of the site to facilitate the development, including 2 no. good specimen trees. Communal landscaped areas would be provided around the periphery of the site and would include some replacement planting to mitigate for the loss of existing trees.
10. The application is being reported to the Planning Committee as it constitutes major development.

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## **PLANNING HISTORY**

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11. Planning permission was granted in December 2016 (DM/15/02958/FPA) for the erection of 10 no. dwellings on the rear part of the site.
12. Previous planning permissions relating to the care home use were granted during the 1990's.
13. Enforcement complaints were received in 2015 and 2017 about the untidy condition of the site. These investigations resulted in some works being carried out to secure the site and the complaints were referred to the Environmental Health and Antisocial Behaviour Teams within the Council.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

14. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
15. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions

positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;

16. Part 1 – Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
17. Part 4 – Promoting sustainable transport. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
18. Part 6 - Delivering a wide choice of high quality homes. To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
19. Part 7 – Requiring good design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
20. Part 8 - Promoting healthy communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning.
21. Part 10 – Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.
22. Part 11 – Conserving and enhancing the natural environment. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.
23. Part 12 - Conserving and enhancing the historic environment – Planning should seek to sustain and enhance the significance of heritage assets and aim to put them to viable uses consistent with their conservation.

#### **LOCAL PLAN POLICY:**

24. The development plan is the Wear Valley District Local Plan saved policies:
25. Policy GD1 - General Development Criteria - All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

26. Policy BE1 – Protection of Historic Heritage - Seek to conserve historic heritage by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
27. Policy BE5 – Conservation Areas – Identifies Conservation Areas within the former Wear Valley District.
28. Policy BE6 – New Development and Alterations – Development within Conservation Areas should preserve or enhance the character of the area, use appropriate building materials and comply with the requirements of policy GD1.
29. Policy BE8 – Setting of a Conservation Area – Sets out that development which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.
30. Policy H3 - Distribution of Development - New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.
31. Policy H22 – Community Benefit - States that on sites of more than 10 dwellings the Local Authority will seek a contribution, where appropriate, to related social, community and/or recreational facilities
32. Policy H24 - Residential Design Criteria - New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
33. Policy RL5 – Sport and Recreation Target – Sets out the standards and contributions for sport and recreation facilities normally expected in association with new housing developments.
34. Policy T1 – Highways - Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan>

#### **RELEVANT EMERGING POLICY:**

35. The County Durham Plan
36. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

37. Coal Authority – Following submission of Phase 2 Site Investigation Report no objections are now raised.
38. Environment Agency – Following the submission of an updated Flood Risk Assessment no objections are raised subject to a condition requiring the development to be carried out in accordance with the Flood Risk Assessment, including finished floor levels to be more than 107.8m above ordnance datum (AOD). It is also noted that the ground level shown on the topographical drawing around the bungalows to the north of the site is around 106.5m AOD, which is a difference of over 1m from the finished floor level and the application does not provide details about how this change of level to access the dwellings would be addressed. If any ground raising above 106.5m AOD is proposed a further updated Flood Risk Assessment will be required to ensure there would be no potential displacement of flood waters elsewhere.
39. Highway Authority – Following the submission of an amended layout plan showing an adequate amount of car parking no objections are raised subject to conditions to agree engineering details of the access road, secure the implementation of agreed footpath improvements at Arnold Street and on the link to Station Road. Informatives to seek adoption of the new access road under the highways act and secure a traffic regulation order for a 20mph speed limit within the development are also suggested.
40. Northumbrian Water – No objections and suggest a condition requiring implementation of the development in accordance with submitted flood risk assessment.
41. West Auckland Parish Council – No representations received

### **INTERNAL CONSULTEE RESPONSES:**

42. Affordable Housing – No objections
43. Archaeology – No objections subject to condition requiring implementation of development in accordance with written scheme of investigation and report of any findings to be deposited at County Durham Historic Environment Record.
44. Contaminated Land – No objections subject to contaminated land condition to agree and secure implementation of Phase 2 Site Investigation Report, Phase 3 Remediation Strategy and Phase 4 Verification Report. Note that whilst a Phase 2 Report has been submitted, this is not sufficiently comprehensive and a further updated Phase 2 Report will be required.
45. Drainage and Coastal Protection – No objections subject to condition to agree surface water drainage scheme, including infiltration testing and simulation for the 1 in 100 year rainfall events.

46. Ecology Section – No objections subject to a condition requiring the development to be carried out in accordance with the Bat Mitigation Statement and to agree details of external lighting to ensure this would not adversely affect any protected species.
47. Education – No objections, consider there will be sufficient space to accommodate the pupils generated by the development in local primary and secondary schools and no further mitigation is required.
48. Environmental Health (Nuisance) –No objections subject to a condition requiring agreement of and adherence to a construction management plan for construction works to ensure the development does not cause a statutory nuisance to neighbouring residents.
49. Design and Conservation – Initially raised concerns about adverse impacts on the character and appearance of the conservation area resulting from the southern part of the site fronting on to the Green. Following the submission of revised plans addressing these matters no objections are now raised subject to conditions to prevent wall mounted white meter boxes being attached to the front of the terraces off the Green and the agreement of external materials, windows and door details. High quality external materials are expected to the southern elevation fronting the Green, to preserve the character and appearance of the conservation area.
50. Landscape – Initially raised concerns about the layout of the scheme in particular the arrangement of car parking spaces, communal landscaped areas and views through to the access road and parking areas and treatment of land immediately in front of the dwellings fronting onto the Green. Following submission of revised plans addressing these matters no objections are now raised subject to a condition to agree a detailed landscaping scheme.
51. Public Rights of Way – Request that the footpath link from the application site to Station Road is upgraded to an adoptable standard.
52. Spatial Policy – State that the acceptability of the proposal will be subject to the planning balance test set out in para.14 of the NPPF. The benefits of the proposal are identified as the re-use of a brownfield site, the sustainable location of the site close to public transport, the contribution to local housing supply and provision of affordable bungalows. The adverse impacts are identified as potential harm to the character of the conservation area and the loss of trees. OSNA contributions of £51,425 should be provided to mitigate for additional use of off site provision as no functional areas of open space are being provided within the site.
53. Tree Officer – Notes that removal of trees from the site will have some adverse impacts on local visual amenity.

**PUBLIC RESPONSES:**

54. The application has been publicised by way of site notice, advertised in the local press and individual notification letters to neighbouring residents. At the time of preparing this report no representations had been received.

**APPLICANTS STATEMENT:**

55. The proposal involves the redevelopment of the East Green Care Home, West Auckland and adjoining land to provide 25 new homes.

56. The proposed mix of properties provides 100% affordable housing with 8no. 2 bedroom bungalows, 15no. 2 bedroom houses and 2no. 3 bedroom houses. The proposal has the support of the Housing Development Team at Durham County Council – initial discussions have been positive from both affordable housing and property mix perspective.
57. The completed homes will be owned and managed by North Star – a provider of affordable and supported housing across Teesside and the Tees Valley. At present, North Star own and manage many properties in the local area through Teesdale Housing Association. We have a track record of delivering new homes in the area having recently delivered new affordable housing at St Helen Auckland. These properties were in high demand and all quickly occupied by the target client group.
58. The scheme has been designed to enhance the existing conservation area through careful consideration of the terrace that will front onto the existing village green. We feel that getting this connection to the green right is important both for the occupiers of the scheme and the wider conservation area.
59. The scheme will bring further benefits to the local area through the upgrading of 2 sections of public footpath outside of the boundaries of the scheme - improving the connections with Station Road and Arnold Street. Furthermore, we propose the demolition and redevelopment of the existing, disused facilities on the brownfield land.
60. We feel that the proposal as it stands will bring many benefits to the local area, from the redevelopment of an existing, problematic site, to the provision of a scheme of 100% affordable housing – as well as the environmental improvements offered to the wider area.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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61. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, impact on heritage assets and the character of the surrounding area, highway safety, residential amenity, protected species, flooding and drainage and contaminated land/coal mining legacy.

The principle of the development:

The Development Plan

62. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Wear Valley District Local Plan (DLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
63. The DLP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is

based upon evidence which is not up-to-date/is time expired depending on the circumstances.

## The NPPF

64. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - ii) specific policies in this Framework indicate development should be restricted.

65. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.

66. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context.

67. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the DLP are out-of -date where outlined below.

## Five Year Housing Land Supply

68. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, then housing policies in a Local Plan cannot be considered up to date.

69. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:

- 1,533 dwellings per annum (29,127 houses by 2033)
- 1,629 dwellings per annum (30,951 houses by 2033)
- 1,717 dwellings per annum (32,623 houses by 2033)

70. As of April 2017 the Council considered that it had a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest need figure the Council took the position that it could demonstrate a supply of 4.91 years of

deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.

71. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.
72. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. On that basis, the Council would therefore be able to establish a supply of housing land in excess of 5 years.
73. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.
74. Given that the most up to date OAN methodology is contained within a consultation draft only and the very recent publication of that document, the Council is yet to formalise its position on the issue of 5 year land supply. In the interim period until it does so, it is considered that the three scenarios identified in the Issues and Options stage can no longer be relied upon and accordingly, the weight to be given to any benefits a housing proposal might have in terms of the boost to housing supply ought to be less than if the Council were to continue to rely upon the Issues and Options scenarios where a 5 year supply could not be demonstrated.

Assessment having regards to Development Plan Policies and the NPPF

75. Saved policy H3 of the Wear Valley District Local Plan (WVDLP) seeks to direct new housing development to those towns and villages best able to support it, balancing the requirement for new housing with the need to maintain the character of the surrounding countryside. The site falls within the development limits of West Auckland and therefore accords with the policy. However settlement boundary policies are not considered to be up to date or compliant with the NPPF, which adopts a more flexible approach and does not seek to restrict the development limits of settlements. The aims of saved policy H3 relating to siting of housing in sustainable locations within settlements best able to support it and the protection of the open countryside are consistent with the NPPF and these aspects of the policy carry some weight.
76. Notwithstanding the above requirement for a planning balance test, the site is situated within the village centre and is well located in terms of access to local services and facilities. As such new residents would not be wholly reliant on private car travel and the proposal is broadly in accordance with the aims of part 4 of the NPPF in respect to transport.
77. The development would provide 3 no. affordable rented dwellings to be retained in perpetuity, in line with planning policy requirements for 10% affordable housing and secured via a S106 agreement. 8 no. bungalows, a form of housing required to meet an identified need for older persons' accommodation in the Strategic Housing Market Assessment 2016, would also be provided.
78. Subject to the outcome of the planning balance test and an assessment of whether any adverse impacts of the development would significantly and demonstrably

outweigh the benefits, it is considered that the proposal is in broad accordance with the aims of the NPPF and the Wear Valley District Local Plan.

Impact on heritage assets and the character of the surrounding area:

79. The site is situated within the West Auckland Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on Planning Authorities considering proposals in Conservation Areas to pay special attention to the desirability for development to preserve or enhance the character or appearance of that area. Local Plan Policy BE6 also requires that development within Conservation Areas should preserve or enhance the character of the area.
80. Part 7 of the NPPF seeks to ensure good design in new developments and saved Local Plan policy GD1 seeks to ensure good design standards, ensuring new developments are in keeping with their surroundings reflecting the density and character of the locality.
81. The former care home building is of functional, modern appearance and together with the wider site is in a deteriorating condition and makes no positive contribution to the character and appearance of the conservation area and its surroundings. The proposed development would represent a substantial visual improvement to the character and appearance of the area.
82. The scale and height of the proposed two storey dwellings would be commensurate with both more modern existing dwellings to the east and older properties to the north and west. There are existing bungalows within the housing estate to the east side of the site and the proposed bungalows would be of similar scale to these.
83. All of the new dwellings would be of brick construction with a tiled roof, similar to those in the surrounding area and a condition to agree precise specification of materials to ensure they correspond acceptably in this respect can secure this. The Design and Conservation Officer has requested that high quality external materials are used to the southern elevation fronting the Green, to preserve the character of the conservation area in key views to this side and this can be covered by the external materials condition.
84. The 2 no. proposed terraces on the southern part of the site would front on to the village green and would be visible in key views around the conservation area. As such these elevations have potential to impact on the character and significance of the designated heritage asset. Initial proposals for this elevation included wider windows with a horizontal emphasis, which were considered to be of modern appearance and not in keeping with the traditional character of the Green. The applicant has subsequently revised the scheme, having regard to comments made by the Design and Conservation Officer, to include narrower, top hung windows with a lower cill level and greater vertical emphasis. This amendment ensures the frontage is more in keeping with the traditional character of the conservation area and precise specification of windows and doors can be agreed by condition.
85. Elevation drawings of the terrace fronting the Green indicate that wall mounted white meter boxes of standard, utilitarian appearance would be attached to the front of dwellings. These would add unnecessary domestic clutter to the primary elevation seen in key views around the conservation area with associated adverse impacts to the character and appearance of the conservation area. The Design and Conservation Officer has fundamental concerns about this aspect of the proposal and notwithstanding the indicative detail on the drawings a condition is considered

appropriate to prevent the installation of such features to the front elevation of these dwellings, to ensure the character of the conservation area is preserved.

86. Existing properties in this part of West Auckland typically have a direct and continuous frontage on to the Green itself. The frontage of the two terraces of dwellings to the southern part of the site would have a building line positioned in between that of existing dwellings to the east and west, with those to the west sitting forward of the proposed terraces and those to the east set behind. A small grassed strip of 2.4m, incorporating a short paved area to provide level pedestrian access to individual dwellings, would separate the front elevations of the dwellings from the existing footpath. No boundary treatments are proposed to enclose this space. This approach would ensure the development maintains a direct frontage on to the Green in keeping with the appearance of the surrounding area.
87. Either side of the terraces along the frontage on to the green a 1.8m high brick wall with pillar detailing would be erected to maintain a continuous frontage in these areas. A small gap of 3.2m, including a footpath of 2m in width, is proposed in between the two terraces providing a pedestrian link from the development to existing footpaths along the green. This is an important feature to provide good pedestrian links to areas of open space and local services within the settlement. From the Green and properties directly opposite on its southern side there would be some views through into the new development. However the applicant has amended the proposals, following comments from Design and Conservation and Landscape Officers, to narrow the width of this gap and move car parking away from this area, resulting in an improved outlook from the south. As such the small loss of continuous frontage in this respect is not considered to result in any significant adverse visual impacts and would preserve the character of the conservation area.
88. The proposals on land to the rear of the southern terraces are either not within the boundary of the conservation area or would not be seen in key views around it as they would largely be screened from view by surrounding buildings. The proposed dwellings in these areas would be of similar scale and appearance to those along the frontage, with a less traditional style of window openings and would relate acceptably to the character of the predominantly residential area behind the green.
89. A small group of trees, including 2 no. good specimen trees, would need to be removed from the centre of the site to facilitate the development. Whilst their loss is unfortunate they are generally only visible within the area to the rear of the former care home building and are not seen in any key views around the conservation area. The applicant indicates on the amended proposed site plan that replacement tree planting would be provided as mitigation for this loss, together with some small communal landscaped areas within the site.
90. The existing stone wall along the northern boundary of the site would be retained, however other remaining parts of the stone wall around the former school site to the east and west would be removed and replaced with 2m close boarded fencing. This part of the site is not within the conservation area and the boundary wall is in deteriorating condition with several collapsed sections. Other properties in the vicinity have similar types of fencing to that proposed and as such the new boundary treatments would relate acceptably to the surroundings.
91. The site is situated within an area of archaeological interest, with the village having medieval origins and subsequent historic features. A Written Scheme of Investigation (WSI) has been submitted setting out a scheme of archaeology works that would be carried out during the development. The Council's Archaeologist has reviewed the WSI and raises no objections subject to a condition requiring the

development to be carried out in accordance with the WSI and for a copy of any subsequent archaeology report to be deposited in the County Durham Historic Environment Record.

92. Having regard to all of the above and to the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the character and appearance of the conservation area and the wider surroundings would be preserved. There is no conflict with the design and heritage aims of the NPPF or Wear Valley District Local Plan Policies GD1 and BE6.

Highway safety:

93. Para. 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. Saved Policy T1 from the WVDLP states that all developments which generate additional traffic should accord with GD1 and provide adequate access, not exceed the capacity of the local road network and be capable of access by public transport networks.
94. West Auckland has frequent bus services to nearby towns such as Durham, Spennymoor and Bishop Auckland and the closest bus stop to the site is around 70m away on Station Road to the north. The site is centrally located within the settlement, close to local shops and services which could be accessed on foot and overall is considered to be in a sustainable location.
95. The highways officer initially raised concerns that insufficient car parking was provided within the development. Amended plans have subsequently been submitted with an increase from 30 no. spaces (including 3 no. visitor bays) to 35 no. spaces (including 8 no. visitor bays). The additional number of parking spaces brings the development in line with Council's Car Parking and Accessibility Standards.
96. Vehicle access would be directly off Arnold Street to the north west corner of the site. The access road would be constructed to an adoptable standard and a condition to agree engineering details and an informative to seek its adoption by Council via an agreement under the Highways Act would be appropriate. This would ensure safe vehicle access is provide in to and around the site.
97. At present a footpath runs across and immediately adjacent to the site linking Arnold Street in the east to Station Road to the west. This is not a designated public right of way and has no formal surface but appears to be relatively well. Given the proposed site layout it is not possible to retain the footpath in its current location. However a new pedestrian link to an adoptable standard would be created across the site in an alternative position. The Highways Officer and Public Rights of Way Officer have requested a condition to secure upgrading of the surface of the footpath on the western side of the site linking with Station Road and the creation of a new footpath link to an adoptable standard to the north east of the site connecting to the existing footpath at the southern end of Arnold Street. This requirement was a condition of planning permission DM/15/02958/FPA which previously granted consent for 10 no. dwellings on the northern part of the site. As such and given the additional number of dwellings now proposed and associated increased demand to access local services on foot, this condition remains appropriate.
98. The Highways Officer raises no objections to the application subject to the above conditions. Having regard to the above it is considered that the proposed development would have no adverse impacts upon highway safety. The proposal

does not therefore conflict with Wear Valley Local Plan Policies GD1 and T1 or Part 4 of the NPPF.

Privacy/Amenity:

99. Para. 17 of the NPPF states that new development should maintain a good standard of amenity for all existing and future occupants of land and buildings. Para. 123 specifies that planning decisions should avoid, mitigate and reduce noise and other adverse impacts on health and quality of life as a result of new development and that existing businesses should not have unreasonable restrictions put on them due to changes in nearby land uses. Saved policy GD1 from the WVDLP advises that new development should not disturb or conflict with adjoining uses.
100. Saved policy H24 of the WVDLP defines the expected standards of design for new residential developments and states there should be a minimum distance of 21m between walls of dwellings containing windows to habitable rooms and a minimum of 25 square meters of private amenity space provided per flat. This policy is only partially consistent with the objectives of the NPPF which is more permissive and therefore does not carry full weight in decision making.
101. The former care home building has been redundant for around 7 years and is in poor condition, with significant adverse impacts on the visual amenity of the surrounding area. It has previously been subject to vandalism and become a target for antisocial behaviour, to the detriment of local residents. The proposed development would result in a significantly improved outlook for neighbouring residents and substantially improve the visual amenities of the area. Demolition of the care home building and the reinstatement of a functional use and new residential community, would also lead to a reduction in the opportunity for antisocial behaviour. Therefore the scheme would have significant benefits to the amenity of neighbouring residents in this regard, in accordance with saved local plan policy GD1 and NPPF.
102. Proposed terraced dwellings fronting on to the Green would sit around 40m away from existing dwellings on the opposite side. The gables of these terraces would be 6.5m and 9m to the east and west sides respectively from the closest adjacent dwellings and would not contain any windows. The rear elevations of plots 21-25 to the east side of the development would be 21m away from the rear elevations of the closest existing dwellings on Millbank Close. The proposed dwellings in plots 11-25 would therefore meet the minimum separation distance specified in saved policy H24, ensuring there is no resulting loss of privacy, light or overbearing impacts to these parts of the site.
103. The existing terrace of dwellings at Station Road to the north of the site runs in an angled orientation away from the proposed bungalows at plots 1-6. At the closest point the proposed bungalow in plot 6 would be 14m away from a two storey rear extension to no. 8 Station Road and 21m from the rear elevation of the main part of the dwelling. There are no south facing windows within the two storey extension and the existing 1.8m high wall between the two properties would be retained providing some screening. As such there would be no issues of overlooking or loss of privacy to occupiers of either property. Given the separation distance, single storey height of the bungalow and northern orientation of no. 8 Station Road to plot 6, new occupiers of the bungalow would have an adequate amount of light to the rear part of the dwelling and garden and there would be no loss of light to occupiers of the existing dwelling.
104. Plots 7 and 8 are a pair of semi detached, two storey dwellings. The rear elevation of plot 7 would sit 15m away to the east of the rear of an existing dwelling,

no. 2 Station Road. Both elevations contain windows to habitable rooms. Whilst this distance is less than that required by saved policy H24 it is still considered to be an adequate separation distance and is commensurate with other existing separation distances between dwellings in the vicinity of the site. Consequently this relationship is considered to constitute an acceptable level of amenity for new and existing residents, without resulting in significant loss of light, privacy or over bearing impacts, in broad accordance with the aims of saved policy H24 and the NPPF.

105. Plots 9 and 10 were initially proposed to be a pair of semi detached, two storey dwellings, but following the submission of revised plans have now been substituted with a pair of semi detached bungalows. The rear elevation of the bungalow at plot 9 would sit 8m to the west of that of Old Church Manor, Station Road. This property is a former church now converted to a dwelling and windows at this side, which sit at approximately 2 storey height, serve a bedroom. Given the single storey nature of the bungalow, its windows would sit at a lower level than those to the adjacent dwelling and there would be no overlooking or loss of privacy to the existing residents. A new 1.8m high close boarded fence along the boundary would provide screening of rear elevation and garden to the new bungalow, resulting in an acceptable level of privacy for its occupiers.
106. The roof of the new bungalow would sit at a similar height to rear windows of Old Church Manor. However as it is situated to the east, shadow from the bungalow would only fall westwards for a short period early in the morning and likewise the existing dwelling would only shadow the bungalow and its rear garden for a short period in the evening when the sun is in the west. As such both properties would have an acceptable amount of light for the majority of the day, with only minimal impacts in this regard.
107. Although some of the separation distances specified in saved policy H24 are not met, this policy is not in complete accordance with the NPPF and carries limited weight. Nevertheless with regard to matters of privacy, over looking and loss of light, the proposal is considered to deliver an acceptable standard of residential amenity for new and existing residents, with no significant adverse impacts being identified.
108. All new dwellings would have at least 25 square meters of private outdoor amenity space, which would ensure a good standard of amenity for new residents and in accordance with the requirements of saved policy H24.
109. The application site is surrounded by a high concentration of predominantly terraced housing on three sides, served only via Arnold Street which is an unclassified road. As such the development has some potential to cause noise and disturbance to neighbouring residents around the site during construction works. The Environmental Health Officer has recommended that conditions are attached restricted working hours for various different construction related activities and adherence to an agreed construction management plan. These conditions are appropriate and would ensure minimal disturbance to neighbouring residents during the construction phase, in accordance with the requirements of saved policy GD1.
110. The proposal would not be detrimental to the amenity of new and existing residents and would be in broad accordance with the aims of saved policies GD1 and H24 from the Wear Valley District Local Plan and paras. 17 and 123 of the NPPF.

Protected Species:

111. Paragraph 11 of the NPPF and policy GD1 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests.
112. A Bat Presence Survey (Arbtech, October 2015) was carried out in 2015 as part of the previous planning permission for the site (DM/15/02958/FPA), which identified several small bat roosts on the site. These surveys were undertaken late in August and in September, which is considered to be outside of the optimal survey period for the bats and the report recommended further surveys were carried out during the peak activity season. It is understood no subsequent surveys have been carried out on the building.
113. A Preliminary Ecological Assessment (All About Trees, December 2017) and Bat Mitigation Statement (All About Trees, February 2018) have been submitted as part of the current application, which identify some potential for bat roosting within parts of the former care home building and recommend various forms of mitigation, including the requirement to obtain a licence from Natural England before demolishing all two storey elements of the building.
114. Since the initial surveys identifying the bat roosts in 2015 the condition of the building has deteriorated further, and the preliminary ecological appraisal undertaken in December 2017 noted no further bat droppings within the buildings and that some of the ceilings within the building have now collapsed. Taking this into consideration, together with the results of the previous surveys on the building, The Council's Ecologist considers that use of the building by bats is unlikely to have increased in the interim.
115. The Conservation of Habitats and Species Regulations 2010 contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a license to a person carrying out activity which would harm a European Protected Species (EPS). This license is normally obtained after planning permission has been granted. The three tests are that:
- The activity to which the license is required must be for imperative reasons of overriding public interest or for public health and safety;
  - There must be no satisfactory alternative and;
  - Favourable conservation status of the species must be obtained.
116. Notwithstanding the licensing regime, the local planning authority (LPA) must discharge its duty under Regulation 9(5) and also be satisfied that these three tests are met when deciding whether to grant planning permission for a development which could harm an EPS.
117. In this case mitigation is to be provided through the provision of 2 no. bat bricks providing hibernation potential and 6 no. standard bat bricks for crevice dwelling bats throughout the development. The Council's Ecology Section is satisfied with the proposed mitigation to enhance biodiversity.
118. Having regard to the Habitats Regulations it is considered that it is in the public interest that the development scheme can be implemented given the untidy appearance and deteriorating condition of the site and its potential to attract antisocial behaviour. There is no more suitable alternative to the proposals. The proposed mitigation is appropriate to ensure there will be no significant impact on the conservation of the local bat population as a whole. It is therefore considered that Natural England would be likely to grant a licence. Accordingly, the LPA can discharge its duties under the Habitats Regulations. Overall it is considered that the

proposal would not have any adverse impact upon protected species in accordance with the requirements of section 11 of the NPPF in relation to protected species.

#### Flooding and Drainage:

119. Part 10 of the NPPF states that new development should reduce the risk of flooding on the development site and elsewhere, through the use of sustainable drainage systems where possible.
120. The site lies within Flood Zone 3 as identified by the Environment Agency. The Agency initially objected to the application as they considered the submitted Flood Risk Assessment did not provide a suitable basis for an assessment of the flood risks arising from the proposed development to be made. The applicant subsequently submitted an amended Flood Risk Assessment, providing additional information in relation to technical details requested by the Agency. The updated Flood Risk Assessment is considered suitable by the Environment Agency and they have withdrawn their objection, subject to a condition requiring implementation of the development in accordance with the updated Flood Risk Assessment.
121. The Agency also highlight that the ground level shown on the topographical drawing around the bungalows to the north of the site is around 106.5m AOD, which is a difference of over 1m from the finished floor level of 107.8m AOD specified in the Flood Risk Assessment. The application does not provide details about how this change of level to access the dwellings would be addressed and the Agency have advised that if any ground raising above 106.5m AOD is proposed a further updated Flood Risk Assessment will be required to ensure there would be no potential displacement of flood waters elsewhere. A condition is appropriate to agree precise site levels and sections having regard to the identified change in levels, including agreement of a further updated Flood Risk, if necessary.
122. The Council's Drainage Engineer raises no objections to the application and confirms that the agreement of foul and surface water drainage proposals by condition is appropriate.
123. The development is therefore considered to be acceptable in terms of its impact on flood risk and would accord with part 10 of the NPPF.

#### Contaminated land/coal mining legacy:

124. Part 11 of the NPPF states that both new and existing development should be prevented from contributing to or being put at unacceptable risk from pollution and contaminated and unstable land should be remediated and mitigated where appropriate. Saved policy GD1 states that new development should not be detrimental to public health, pollute the environment or have detrimental impact on ground water resources.
125. The site is constitutes brownfield land, with the northern part previously having been part of a school site and the care home lying on the southern section. It is also within a coalfield development high risk area. Therefore it is possible the land may be contaminated or be at risk of issues associated with former mine workings.
126. The Council's Environmental Health (Contaminated Land) Officer has been consulted on the proposals and raises no objections subject to a contaminated land condition, which covers further investigation and mitigation measures. This is considered appropriate to ensure any contaminants from previous uses do not adversely affect the proposed residential use.

127. A Coal Mining Risk Assessment and Phase 2 Site Investigation Report were submitted as part of the application. Following consideration of the additional information the Coal Authority now raise no objection and do not recommend any conditions.

128. Subject to the above conditions, the proposals are considered acceptable with regards to risks from contaminated land and coal mining legacy and would accord with saved Local Plan policy GD1 and the requirements of the NPPF.

#### Planning Obligations:

129. Open Space provision - The OSNA (2010) sets out the most up to date position in respect to open space provision across the County and provides a formula for calculating requirements on a site specific basis. This is a relevant material consideration in conjunction with Policy RL5 of the Wear Valley District Local Plan and paragraph 73 of NPPF. Para 173 of the NPPF is clear that to ensure viability, the costs of any requirements to be applied to development, should provide competitive returns to a willing land owner and willing developer to enable the development to be delivered. Given the scale of the proposals the Local Planning Authority would expect open space contributions of £51,425, based on the method of calculation set out in the OSNA, for off site provision for an anticipated new population of 55 people occupying the development. The applicant has agreed to provide the above amount and this would be covered within a S106 Agreement.

130. Affordable Housing - The NPPF is supportive of delivering affordable housing as a component of ensuring sustainable development. The County Durham Strategic Housing Market Assessment (SHMA) 2016 identifies an annual need for approximately 378 no. additional affordable units across the County. The development would provide 3 no. dwellings for affordable rent to be retained in perpetuity and 8 no. bungalows, which is a form of housing required to meet an identified need for older persons' accommodation in the SHMA 2016. All the units would be owned and managed by a Social Housing Provider and in line with policy requirements 10% affordable housing would be formally secured through a Section 106 Agreement.

#### Planning Balance:

131. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development need to significantly and demonstrably outweigh any benefits.

132. Weight should be afforded to the benefits of the development in terms of its modest contribution to the local housing supply and most significantly the provision of 3 no. dwellings for affordable rent in perpetuity and 8 no. bungalows contributing to an identified need for older persons' accommodation in the Strategic Housing Market Assessment 2016.

133. It is considered that there are a number of other benefits associated with the development. The proposal offers an opportunity to bring a brownfield site, comprising the redundant care home building and former school site into residential use. This would also substantially improve its appearance and local visual amenity, whilst preserving the character of the conservation area. The development would result in a reduction of anti social behaviour associated with the current empty status of the building. Planning permission for housing has previously been granted on part

of the site which is situated in a sustainable location where residents would not be wholly reliant on private car journeys to access local facilities and services.

134. The development would not be detrimental in terms of scale and design, highway safety, local amenity, protected species, flooding and drainage and contaminated land/coal mining legacy. Open space contributions to mitigate for increased use of off site facilities would be secured by a S106 agreement. The relevant internal and external consultees raise no objections to the application and no representations have been received from neighbouring residents.

135. No adverse impacts have been identified which would significantly and demonstrably outweigh the benefits of the proposal.

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## **CONCLUSION**

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136. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF.

137. In this instance the development would provide a number of benefits, the most significant of which would be reuse of a brownfield site for affordable rented housing purposes in a sustainable location.

138. On balance, it is considered that the benefits of the development significantly and demonstrably outweigh any potential adverse impacts. It is not considered that there are material planning considerations which indicate otherwise therefore the application is recommended for approval.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the retention of 3 no. affordable units in perpetuity and the agreed financial contribution of £51,425 for open space provision, and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Proposed 2 Bed Floor Plans and Elevations Terraced House Type 2F (A2-02-07 Rev A) received on 22 February 2018

Proposed 2 Bed Floor Plans and Elevations Terraced House 2G (A2-02-08 Rev A) received on 22 February 2018

Proposed Landscaping (A1-00-11 Rev B) received on 22 February 2018

Proposed 3 Bed Plans and Elevations House Type 3 (A2-03-01 Rev C) received on 22 February 2018

Site Location Plan (A1-00-02 Rev A) received on 22 February 2018

Proposed 2 Bed Floor Plans and Elevations House Type 2 (A2-02-01 Rev C) received on 22 February 2018

Proposed 2 Bed Plans and Elevations – Opp House Type 2A (A2-02-02 Rev C) received on 22 February 2018

Proposed 2 Bed Floor Plans and Elevations Terrace House Type 2B (A2-02-03 Rev C) received on 22 February 2018

Proposed 2 Bed Floor Plans and Elevations Terrace House Type 2C (A2-02-04 Rev C) received on 22 February 2018

Proposed 2 Bed Floor Plans and Elevations House Type 2D (A2-02-05 Rev C) received on 22 February 2018

Proposed 2 Bed Floor Plans and Elevations Semi Detached – Opp (A2-02-06 Rev C) received on 22 February 2018

Proposed Boundary Treatment (A1-00-12 Rev B) received on 22 February 2018

Proposed Site Plan (A1-00-13 Rev D) received on 22 February 2018

Proposed Terrace to East Green (A2-00-01 Rev B) received on 22 February 2018

Proposed Bungalow Floor Plan House Type 1 (A2-01-01 Rev C) received on 22 February 2018

Proposed Bungalow Floor Plan – Opp House Type 1A (A2-01-02 Rev C) received on 22 February 2018

Fencing Types (A5-00-01 Rev B) received on 22 February 2018

Proposed Site plan adopted paths (A1-00-14 Rev B) received on 23 February 2018

Reason: To define the permission and ensure that a satisfactory form of development is obtained.

3. Notwithstanding any description of the materials in the application, no development other than demolition of the single storey, flat roof part of the former care home building shall commence until samples or precise specification details of all external walling and roofing materials, including the 1.8m high brick walls to the southern site boundary, of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Conservation Area, in accordance with policies GD1, BE1, BE5 and BE8 of the Wear Valley District Local Plan and Parts 7 and 12 of the NPPF.

4. The proposed estate access road hereby approved shall be designed and constructed to current adoptable highway design standards. No development other than demolition of the single storey, flat roof part of the former care home building shall commence until plans showing full engineering details of the proposed estate access road have been submitted to and approved by the local planning authority. The approved scheme shall thereafter be implemented in complete accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason: In the interests of highway safety, in accordance with policies GDP1 and T1 of the Wear Valley District Local Plan.

5. No development other than demolition of the single storey, flat roof part of the former care home building shall commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout all phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Prior to commencement of any development other than demolition of the single storey, flat roof part of the former care home building:

(a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

### Completion

(c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified during phases (a) and (b), it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part (a) of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part (b) of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

6. No development other than demolition of the single storey, flat roof part of the former care home building shall commence until a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
2. Details of methods and means of noise reduction
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
5. Designation, layout and design of construction access and egress points;

6. Details for the provision of directional signage (on and off site);
7. Details of contractors compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 Noise and Vibration Control on Construction and Open Sites during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the amenity of neighbouring residents during the construction phase in accordance with saved policy GD1 of the Wear Valley Local Plan and the NPPF.

7. No development other than demolition of the single storey, flat roof part of the former care home building shall commence until a detailed scheme for the disposal of foul and surface water, including infiltration test results and simulation test results for the 1 in 100 year rainfall events, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be based on the principles of surface water management highlighted in the Flood Risk Assessment (Portland Consulting Engineers 2017111 Rev A, February 2018). The development shall be carried out and implemented in accordance with the approved scheme.

Reason: In the interest of the adequate disposal of surface water in accordance with Policy GD1 of the Wear Valley District Local Plan and part 11 of the NPPF.

8. No development other than demolition of the single storey, flat roof part of the former care home building shall commence until details including section drawings showing the existing and proposed site levels and the finished floor levels of the proposed new dwellings have been submitted to and approved in writing by the local planning authority. The submitted details shall include an updated Flood Risk Assessment if any ground raising above 106.5m AOD is proposed. The development thereafter shall be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Conservation Area and to reduce the impacts of flooding, in accordance with policies GD1, BE1, BE5 and BE8 of the Wear Valley District Local Plan and Parts 7, 10 and 12 of the NPPF.

9. Prior to first occupation of any of the dwellings hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall include accurate plan based details of the following:

- Trees, hedges and shrubs scheduled for retention.

- Details of planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Seeded or turf areas, habitat creation areas and details etc.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- Samples or precise specification details of all hard landscaping materials
- Details of the locations and appearance of bin stores

The approved landscaping scheme shall be carried out in the first planting season following the substantial completion of the development. Trees, hedges and shrubs part of the approved scheme shall not be removed without agreement within five years, and replaced if they fail within 5 years of initial planting, not later than the following planting season.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Conservation Area, in accordance with policies GD1, BE1, BE5 and BE8 of the Wear Valley District Local Plan and Parts 7 and 12 of the NPPF

10. Prior to its installation a scheme for the installation of a new adoptable standard pedestrian footway extending from the proposed site entrance up to no.17 Arnold Street shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full engineering details of the footway. The approved scheme shall thereafter be carried out and brought into use prior to the first occupation of the dwellings hereby approved.

Reason: In the interests of highway safety and to improve pedestrian access to the site, in accordance with policies GDP1 and T1 of the Wear Valley District Local Plan.

11. Prior to its installation a scheme for the upgrading of the pedestrian footway, which crosses the site linking Arnold Street with Station Road shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full engineering details of the footway. The approved scheme shall thereafter be carried out and brought into use prior to the first occupation of the dwellings hereby approved.

Reason: In the interests of highway safety and to improve pedestrian access to the site, in accordance with policies GDP1 and T1 of the Wear Valley District Local Plan.

12. Notwithstanding the submitted information, prior to their installation full details of all fenestration, including specification and materials of external windows and doors, heads and cills to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Conservation Area, in accordance with policies GD1, BE1, BE5 and BE8 of the Wear Valley District Local Plan and Parts 7 and 12 of the NPPF.

13. Details of the height, type, position and angle of any new external lighting installed shall be submitted to and approved in writing by the Local planning authority prior to their installation. The lighting shall be erected and maintained in accordance with the approved details.

Reason: In the interests of maintaining the character and visual amenity of the surrounding area and to ensure there are no adverse impacts on protected species, to comply with saved policy GD1 of the Wear Valley Local Plan and part 11 the NPPF.

14. The development hereby approved shall be implemented in complete accordance with the mitigation measures detailed in the Bat Mitigation Statement (All About Trees, February 2018), including but not limited to: additional survey work and acquisition of a protected species licence from Natural England, 2 no. bat bricks providing hibernation potential and 6 no. standard bat bricks suitable for crevice dwelling bats prior to demolition of the two storey elements of the former care home building, strict compliance with the precautionary method statement for demolition of the single storey part of the building and use of hibernation and general use bat boxes.

Reason: To conserve protected species and their habitat in accordance with saved policy GD1 of the Wear Valley District Local Plan and part 11 of the NPPF.

15. The development hereby approved shall be implemented in complete accordance with the programme of archaeological works set out in the written scheme of investigation (Archaeological Services Durham University, February 2018). Prior to first occupation of any of the dwellings a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To ensure the significance of the site is understood and recorded appropriately as the site is within an area of archaeological interest, in accordance with part 12 of the NPPF.

16. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (Portland Consulting Engineers - Arnold Street West Auckland Revision A 2017111 - February 2018) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 107.8m above Ordnance Datum (AOD)

The mitigation measures shall be fully implemented prior to first occupation of the dwellings and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason: To reduce the risk of flooding and effects of flooding on occupants in accordance with saved policy GD1 of the Wear Valley Local Plan and part 10 of the NPPF.

17. Notwithstanding the submitted elevation drawings of plots 11-20 fronting the green, no wall mounted white meter boxes shall be attached to front elevation of these dwellings. Any white meter wall mounted boxes shall be to the side or rear of the dwellings or ground level brown meter boxes only shall be used to the frontage.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Conservation Area, in accordance with policies GD1, BE1, BE5 and BE8 of the Wear Valley District Local Plan and Parts 7 and 12 of the NPPF.

18. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the amenity of neighbouring residents during the construction phase in accordance with saved policy GD1 of the Wear Valley Local Plan and the NPPF.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, B, C and D of Part 1 and Class A of Part 2 of Schedule 2 of the said Order shall be carried out to the dwellings hereby approved in plots 11-20 as shown on Proposed Site Plan (A1-00-13 Rev D) without a planning application first having been submitted to and approved in writing by the local planning authority.

Reason: In order that the Local planning authority may exercise further control in relation to new dwellings in a prominent position within the West Auckland conservation area to preserve its character and appearance, in accordance with saved policies GD1 and BE1, BE5 and BE8 of the Wear Valley District Local Plan.

20. The on street parking bays and off street parking spaces, including visitor parking, shall be made available for use prior to the first occupation of the dwellings hereby approved to which they relate and shall be available at all times for the standing of private motor vehicles for the lifetime of the development.

Reason: In the interests of Highway Safety and to comply with Policy GD1 and T1 of the Wear Valley Local Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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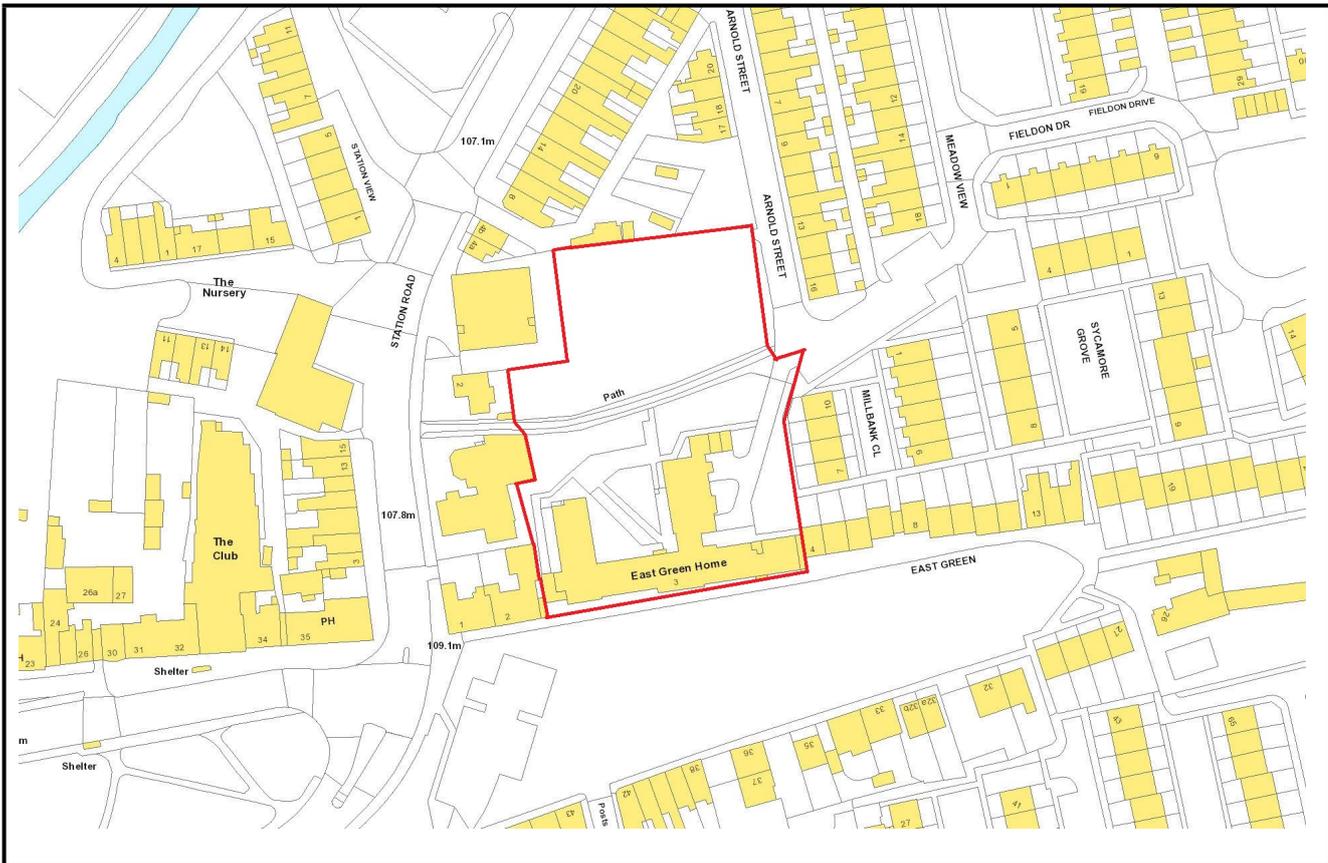
The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within the statutory determination period.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
Wear Valley District Local Plan  
Statutory response from the Highway Authority  
Internal consultations responses  
External consultations responses



**Planning Services**

Demolition of former care home and erection of 25 no. dwellings

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**Comments**

**Date 22 March 2018**

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## Planning Services

**COMMITTEE REPORT**

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**APPLICATION DETAILS**

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<b>APPLICATION NO:</b>	<b>DM/17/01922/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Erection of 37 no. residential dwellings (C3) with associated infrastructure, access and car parking</b>
<b>NAME OF APPLICANT:</b>	<b>Persimmon Homes (Durham)</b>
<b>ADDRESS:</b>	<b>Land East Of Hillside Road, Coundon</b>
<b>ELECTORAL DIVISION:</b>	<b>Coundon</b> <b>Laura Eden</b> <b>Senior Planning Officer</b>
<b>CASE OFFICER:</b>	<b>03000 263980</b> <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a>

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**DESCRIPTION OF THE SITE AND PROPOSALS**

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## The Site

1. The 1.13ha application site lies on the southern edge of Coundon and is mainly grassland that is currently used for grazing horses. Part of the site was previously used as the site compound for the Persimmon development on the opposite side of Hillside Road and there are some remnants of this former use remaining. The site is bounded by timber fencing (a mixture of post and rail and bird mouth) and there are four trees of significance which lie along the eastern boundary.
2. The land is bordered by residential development to the north, south and south west. There are allotments to the east and an area of grassed open space to the west of Hillside Road with further residential development beyond.

## The Proposal

3. The application proposes the erection of 37no. dwellings, all of two storey height with the exception of the Souter house type (6no.) which would be 2.5 storeys high. A range of 2 bed (3no.), 3 bed (24no.) and 4 bed (10no.) terraced, semi-detached and detached units are proposed. The materials palette would include red and buff brickwork, tiled roofs and UPVC windows and doors. Each property would benefit from private amenity space and off-street car parking spaces. There would also 13no. visitor car parking spaces.
4. Vehicular access into the site would be taken from Hillcrest Road via the construction of a new four-arm roundabout at a point adjacent to the recently constructed Persimmon development on the western/opposite side of the road.
5. This application is being reported to Planning Committee as it falls within the definition of major development.

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## PLANNING HISTORY

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6. Planning permission was granted in 2008 for the erection of 13 dwellings and associated garages on the southern part of the application site (3/2007/0802) but was never constructed. Persimmon has also built out a housing estate on the western/opposite side of Hillside Road.

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## PLANNING POLICY

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### NATIONAL POLICY:

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
9. The following elements are considered relevant to this proposal;
10. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the Country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
11. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
12. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and

community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

15. *NPPF Part 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
16. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>*

## **LOCAL PLAN POLICY:**

Wear Valley District Local Plan (WVDLP) saved policies

17. *Policy GD1 (General Development Criteria)* - All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
18. *Policy BE23 (Provision of Public Art)* - In appropriate cases, the Council will encourage the provision of works of art as part of development. In considering planning applications the Council will have regard to the contribution which such works make to the appearance of the scheme and to the amenity of the area.
19. *Policy H3 (Distribution of Development)* - New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.
20. *Policy H5 (Allocated Sites in Main Towns)* - A 3ha site (estimated 72 dwelling) is allocated for residential development during the plan period at Hillside Road, Coundon.
21. *Policy H15 (Affordable Housing)* - The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.
22. *Policy H22 (Community Benefit)* - On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
23. *Policy H24 (Residential Design Criteria)* - New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.

24. *Policy RL5 (Sport and Recreation Target)* - For every 1 hectare of land developed residential purposes, at least 1300 square metres of land should directly be made available on or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities.
25. *Policy RL6 (Recreation Allocations)* - An area of Coundon is allocated for development and use as public recreational use in order the meet the existing and future land requirements for sporting and recreational activities.
26. *Policy RL9 (Allotments)* – The Council will seek to achieve improvement to existing allotment areas and rationalise ones where no demand exists. The allotments at Hillside Road, Coundon, are identified as underused to be subject to rationalisation and developed for other purposes.
27. *Policy S7 (Growth Areas)* – Retail development (Class A1) is proposed on a 1ha site at Hillside Road, Coundon, subject to the relocation of the allotments.
28. *Policy T1 (Highways)* - Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan>

## **RELEVANT EMERGING POLICY**

### The County Durham Plan

29. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES**

30. *Highways Authority* – No objections to the proposal following amendments to the scheme
31. *Northumbrian Water* – No objection subject to the development taking place in accordance with the submitted details
32. *Drainage and Coastal Protection Section* – No objection subject to the development taking place in accordance with the submitted details

### **INTERNAL CONSULTEE RESPONSES:**

33. *Planning Policy* – Consider that the application should be subject to the planning balance exercise outlined in Paragraph 14 of the NPPF.
34. *Archaeology* – No objection
35. *Ecology* – No objections subject to conditions being imposed to secure the recommendations of the ecology report and financial contribution to secure off-site ecology mitigation
36. *Environmental Health (Contaminated Land)* – No objection subject to the imposition of a condition
37. *Environmental Health (noise)* – No objections to the development subject to a condition to minimize the impacts of the construction phase. It is noted that the adjacent allotments should be considered in terms of the impact to the amenity of future occupants.
38. *Arboriculture* – Notes that there are four trees of significance on the site. One is in poor quality therefore is to be removed, whilst two others are in satisfactory condition and should ideally be retained. Raise concerns that these trees will come under pressure post development being situated in private rear gardens, there amenity value is reduced as views of them will be restricted and that they are not shown as being adequately protected during construction. The trees however are not of a quality that would warrant protection through a TPO.
39. *Landscape* – Share the tree officers concerns regarding the trees and feel that the use of post and rail type fencing between properties is not ideal. It is requested that a landscape condition is imposed.
40. *School Organisational Manager* – There are sufficient school places in the area to accommodate the pupils that would be accommodated by this development
41. *Sustainability Officer* – No objections with regards to locational sustainability of the site and condition embed sustainability
42. *Housing Delivery* - Confirm affordable housing requirement of 10% would be expected across the site
43. *Police Architectural Liaison Officer* – No objection in principle and provide a series of recommendations

**PUBLIC RESPONSES:**

44. The application has been advertised by a press notice, site notice and letters to neighbouring residents. 3 letters have been received in response which raise the following concerns;
  - Concerns that fencing will be erected which will restrict their open aspect, and cause loss of light, resulting in a significant loss of amenity
  - Concerned that the works relating to the creation of the roundabout will encroach into their front garden
  - That bonfires are lit from allotments

**APPLICANT'S STATEMENT:**

45. This proposed development offers the opportunity to create a new sustainable desirable residential development within Coundon as well as associated infrastructure works, which includes the development of a new 4 leg roundabout on Hillside Road.
46. The application site is located within the settlement limits of Coundon and is positioned adjacent to existing residential areas. The sites proximity to the village centre ensures that the site is highly sustainable in relation to local amenity with a wide variety of services, facilities, open space, recreational facilities, and local schools within all located within walking distance. Furthermore, the proximity to bus routes provides sustainable transport options for future residents.
47. The site is designated for residential development under policy H5 of the Wear Valley Local Plan Development Site Designation. The application site has also been assessed as a suitable housing site as part of the Strategic Housing Land Availability Assessment.
48. The proposal for 37 dwellings provides an excellent range and choice of dwellings to satisfy current and future housing needs of South Durham. With a selection of 2-4 bed properties of varying sizes and types proposed the development also seeks provides type and size of dwelling which are currently under provided within the housing market.
49. The design of the site has been chosen as to continue the design of the adjacent, recently completed Persimmon Homes site known as Bishop Meadows. This will ensure continuity of design within the locale.
50. As a result, the development is based upon the design principles outlined within the NPPF which seek to create a high quality, attractive development which aims to be respectful and complementary of the surrounding area. As such the development will continue to employ the use of traditional building materials to achieve a level of complementary development with the surrounding area.
51. The proposed units, will be traditional in their design and follow key design features including Pitched Roofs; Restrained detailing including rooflights and brick window heads detailing; Traditional building materials; A combination of integrated garages, detached garages and on plot parking; Dormer and Velux Windows on selected properties; and Shared surfacing on secondary streets.
52. The variety of short terraced, semi-detached and detached house types will form a rich and interesting residential environment whilst the inclusion of 2 and 2.5 storey dwelling will result in a varied roofscape.
53. As part of the development, a 4 leg roundabout is proposed on Hillside Road. The roundabout has been designed as to serve both the existing Persimmon Homes residential site, known as Bishops Meadows as well as to serve the proposed residential site, on the land East of Hillside Road.
54. The application is supported by a full suite of supporting reports, assessment and drawing which have met all the requirements of internal Council and Statutory Consultees such that there are no outstanding objections from any of these bodies.
55. Finally, the impacts of the development have been fully mitigated by the development or via a planning gain package which includes off a Public Open Space contribution, public art contribution, Ecological Mitigation Contribution and a policy compliant onsite Affordable Housing provision such that there no adverse

impacts which would significantly and demonstrably outweigh the benefits. Therefore in accordance with paragraph 14 of the National Planning Policy Framework the application should benefit from the presumption in favour of sustainable development and approve development proposals that accord with the development plan without delay.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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56. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, infrastructure and open space provision, affordable housing and housing mix, impact on the character and appearance of the surrounding area, access and highway safety, residential amenity, ecology and other material considerations.

### Principle of development

#### *The Development Plan*

57. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Wear Valley District Local Plan (WVDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
58. The WVDLP was adopted in 1997 and was intended to cover the period to 2006. NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

#### *The NPPF*

59. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- ii) specific policies in this Framework indicate development should be restricted.

- 60. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
- 61. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context.
- 62. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the WVDLP are out-of-date where outlined below.

#### *Five Year Housing Land Supply*

- 63. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, housing policies in a Local Plan cannot be considered up to date.
- 64. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:
  - 1,533 houses per year (29,127 houses by 2033)
  - 1,629 houses per year (30,951 houses by 2033)
  - 1,717 houses per year (32,623 houses by 2033)
- 65. As of April 2017 the Council considered that it had a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest need figure the Council took the position that it could demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
- 66. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.
- 67. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. This is still a consultation document and final figures may yet change but on this basis, the Council would be able to establish a supply of housing land in excess of 5 years.
- 68. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.

69. Given that the most up to date OAN methodology is contained within a consultation draft only and the very recent publication of that document, the Council is yet to formalise its position on the issue of 5 year land supply. In the interim period until it does so, it is considered that the three scenarios identified in the Issues and Options stage can no longer be relied upon and accordingly, the weight to be given to any benefits a housing proposal might have in terms of the boost to housing supply ought to be less than if the Council were to continue to rely upon the Issues and Options scenarios where a 5 year supply could not be demonstrated.

#### *Assessment having regards to Development Plan Policies*

70. Policy H3 of WVDLP sets out that new development should be located to the towns and villages best able to support it, setting out limits of development. Coundon is one of the settlements identified in the policy. Development would therefore be supported provided that it meets the criteria set out in Saved Policy GD1, and any other relevant policies to the proposal. The application site falls within the settlement limits therefore draws support from the policy in this regard.
71. The site lies within a wider area of land that forms a part of a long standing residential development allocation (Policy H5 – Hillside Road). Under Policy S7 retail development (Class A1), was also proposed following relocation of the allotments with an overall improvement in allotment provision expected under Policy RL9, with rationalisation of the number of allotments acceptable where no demand existed.
72. This application proposes housing on land which is allocated for such uses within the WVDLP. The stipulation of the policy in relation to the relocation of the allotments to an alternative suitable site does not apply in this instance, as the application site boundary relates only to the western part of the H5 allocation which does not contain any allotments.
73. However, WVDLP housing supply policies are considered to be 'out of date' and on this basis the test set out in Paragraph 14 of the NPPF is engaged. As a result the acceptability of the development largely rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

#### *Locational Sustainability of the Site and Housing Mix*

74. Within the Durham County Council Settlement Study (2012) Coundon is classified within the Tier 3 – Local Service Centre contains among other things a primary school, public houses, a small supermarket, small retail outlets, village hall and churches. Future residents would therefore have access to a range of facilities and services. Sustainable transport links are considered to be good with bus stops located outside the development on Hillside Road. Furthermore, the site has a favourable allocation within the SHLAA and residential development has previously been approved on the site.
75. The site is therefore suitably located and a development of this nature could be acceptable in principle, subject to the acceptability of detailed matters. Clearly, whether any benefits of the proposed development are significant and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.

## Infrastructure and Open Space Provision

76. The Local Education Authority has advised there are sufficient school places in the area to accommodate the pupils that would be accommodated by this development.
77. WVDLP Policy H22 and RL5 sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide for six typologies, either within the site, or through a financial contribution towards offsite provision.
78. Given the scale of the development it is the developer's preference to pay a financial contribution towards the enhancement of existing provision in the area. The OSNA generates a required contribution of £83,028, which would be secured through a S106 agreement.

### Affordable Housing and housing mix

79. WVDLP Policy H15 outlines that where a local need has been established the Council will seek to negotiate with developers for the inclusion of an appropriate element of affordable housing on allocated site including Hillside Road in Coundon. The up-to-date evidence in the Strategic Housing Market Assessment by the Council establishes a requirement for 10% provision in the Southern delivery area, amounting to 4 dwellings in this case, which would be delivered as a mix of affordable rent (3no.) and discounted sale (1no.). The Housing Delivery Team has advised that the affordable units should have a tenure mix of 70% for affordable rent and 30% for affordable home ownership. The applicant has indicated that they are willing to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure affordable housing on the site.
80. In terms of housing mix, the development would provide a range of 2, 3 and 4 bedroomed properties which would provide a mix of housing in compliance with Paragraph 50 of the NPPF.

### Impact on the character and appearance of the surrounding area

81. Saved policies GD1 and H24 of the WVDLP require developments to be in keeping with the character and appearance of the area and be suitably designed. This is in accordance with NPPF Part 7.
82. There are a mixture of architectural styles in the area and the proposed dwellings are considered commensurate in scale and design with surrounding developments, especially those on the adjacent Persimmon development. The materials include red and buff brick, tiled roofs and UPVC windows and doors which would be in keeping with the surrounding style. Whilst the general approach to materials is acceptable a condition would be appropriate to agree the exact details. Overall it is not considered that this design approach would be out of keeping with the surrounding area.
83. WVDLP Policy BE23 states that the Council will encourage the provision of works of art as part of development. Although the NPPF is silent on public art, it is supportive of ensuring that development makes places better for people. This mirrors the aims

of the WVDLP Policy which is considered partially consistent with the NPPF, and can be afforded weight. The applicant has indicated that they are willing to enter into a Section 106 Agreement to secure £13,000 to achieve this requirement.

84. There are four trees of significance on the site. One is in poor quality therefore is to be removed (T4), another is an ash in good health (T1), whilst two remaining trees (T2 and T3) are in satisfactory condition and should ideally be retained. T1 and T3 are scheduled for retention whilst T2 and T4 are scheduled for removal. Both the tree and landscape officer raise concerns that the trees to be retained would come under pressure post development and their amenity value will be reduced as views of them will be restricted. However, whilst acknowledging that proposals should seek to retain and protect existing trees where possible, these particular trees are not of a quality that would justify formal protection by TPO. Subject therefore to tree protection measures during construction being secured by condition, it is not considered an objection could be sustained.
85. The access roundabout requires the remodelling of the area to the front of nos 38, 40, 42 and 44 Hillside Road. The submitted details are considered to be acceptable in this regard showing replacement railings to be erected. A condition is however proposed to secure a fully detailed planting scheme.
86. Overall it is considered that development of the site could be achieved without causing significant harm to the character and appearance of the surrounding area, in accordance with policies GD1 and H24 of the WVDLP and NPPF objectives in Part 7.

#### Access and Highway Safety

87. WVDLP policies GD1 and T1 require that development proposals achieve a satisfactory means of access onto the wider highway network as well as protecting highway safety in addition to adequate parking facilities. These policies are considered compliant with the NPPF Part 4 and can be afforded weight. The NPPF advises at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
88. Although this application relates to the creation of 37 units the supporting statement makes reference to the future capacity of the proposed new roundabout junction to serve substantially more units to the east. Whilst in principle this appears acceptable from a highways perspective based on the information submitted to date, this would need to be re-assessed if and when any further application is submitted in terms of highway network junction analysis. Furthermore, whilst the roundabout junction is not required to serve this development of 37 houses the Highways Authority have noted that it would have a beneficial effect of helping regulate vehicle speeds in the link between the A689 and the C129 Collingwood Street.
89. Following amendments to the scheme parking provision would comply with the minimum requirements outlined in DCC Residential Car Parking Standards. There are two redundant vehicular access from the C129 Hillside Road which will need to be removed and reinstated to a footway. The feature railings to the front of plots 1-5 and 10-18 which abut the main road need to be secured prior to the occupancy of dwellings. Whilst there are bus stops in close proximity of the development site there is no physical infrastructure to support them. So that future occupants are able to access them works are required to be undertaken to rectify this such as the reinstatement of the footpath, installation of poles, flag signs and road markings. Full engineering details are also required of the proposed estate roads. All of the

aforementioned issues can be secured by means of conditions. Other minor highways matters relating to internal speed limits and high adoption procedures will be brought to the developer's attention by means of informatives.

90. Overall it is considered that the development would not adversely impact on highway safety. There is no conflict with WVDLP policies GD1 and T1 or Part 4 of the NPPF in this respect. The Highways Authority raises no objection to the scheme subject to the imposition of conditions and informatives.

#### Residential amenity

91. The proposal achieves the required standards of WVDLP policy H24 to existing external properties. The internal layout falls short in some cases, but not to an unacceptable extent and purchasers will be aware of situation. As such it is not considered that any significant issues in terms of overlooking, overshadowing or overbearing impact would arise.
92. The Environmental Health Section has highlighted the potential for disturbance during the construction period, however this would be a relatively small scale development with short lived impacts. Conditions to control construction hours would be sufficient mitigation in this case. They have also advised that allotments lie adjacent to the site where bonfires could be lit which is a concern shared by a neighbouring resident. However other existing properties lie within close proximity of the allotments and it is not therefore considered that this would restrict residential development in this location.
93. There is no conflict with WVDLP policies GD1 or H24 in this respect or the principles contained within the NPPF.

#### Ecology

94. The applicant has submitted an ecology report assessing the potential impacts of the development on protected species and biodiversity. There are no priority habitats within the development area, however the report recommends appropriate timing of clearance works and a sensitive lighting scheme to minimise impact on foraging bats. The lighting scheme can be conditioned and the advice on timings is considered to be sound.
95. Ecology officers have however raised concerns that in its current form the development would result in a loss of biodiversity without any on-site mitigation to offset this. An assessment of these biodiversity losses has been undertaken which calculates the level of required compensation. The applicant has agreed to provide a financial contribution of £11,105 (secured by means of planning obligation) towards the improvement and future maintenance of an area of amenity grassland on land near Eden Terrace which will feed into a larger scale Council delivery project, the Road Verges & Open Space Wildflower Scheme. This would ensure that there is no net loss of biodiversity in regard to Paragraph 109 of the NPPF.

#### Other Issues

96. The Contaminated Land officer agrees within the recommendations within the submitted Phase 2 report noting that ground gas monitoring is still ongoing and remedial works are required to the soil on the site. This matter can be secured by condition.

97. The development is expected to embed sustainability to support the NPPF aims of reducing greenhouse emissions. This matter will be secured through the Building Control process.
98. The site is not in an area at risk from flooding. The Council's Drainage Section and Northumbrian Water have both confirmed that the drainage strategy is acceptable. The implementation of the scheme will be secured by condition.

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## **CONCLUSION**

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99. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF.
100. The direct benefits of the proposal would be the contribution to housing supply including affordable housing. The development would also provide direct and indirect economic benefits within the locality and further afield. The proposal would contribute toward the vitality of the area and there would also be improvements to the public highway transport infrastructure. Contributions would also be secured towards off-site biodiversity improvements and open space and recreation, although these would be neutral effects.
101. Overall, the proposal is considered to represent a sustainable form of development which offers significant socio-economic benefits in a sustainable location with easy access to a wide range of services and via sustainable modes of transport. The scheme would relate well to the character and appearance of the area and is acceptable in all other respects subject to the imposition of conditions.
102. All representations have been carefully considered, however there have been no adverse impacts identified which would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, and there is no conflict with the relevant policies of the WVDLP and NPPF.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the completion of a Section 106 agreement to secure the following:

- Provision of 10% affordable housing on site
- Financial contribution totalling £83,028 towards offsite open space and recreational provision
- £11,105 towards offsite biodiversity improvements
- £13,000 towards the provision of public art

And subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.

Drg. no. CO2-1001 Existing Site Location received 09/06/2017  
Drg. no. CA-WD01 Clayton Plans and Elevations received 09/06/2017  
Drg. no. CD-WD01 Rev. S Chedworth Plans and Elevations received 09/06/2017  
Drg. no. CT-WD01 Chatsworth Plans and Elevations received 09/06/2017  
Drg. no. HT-WD01 Rev. T Hatfield Plans and Elevations received 09/06/2017  
Drg. no. KL-WD01 Rev. F Kendal Plans and Elevations received 09/06/2017  
Drg. no. MR-WD01 Rev. L Morden Plans and Elevations received 09/06/2017  
Drg. no. RS-WD01 Rev. T Kendal Plans and Elevations received 09/06/2017  
Drg. no. SU-WD01 Rev. V Souter Plans and Elevations received 09/06/2017  
Drg. no. SGD-01 Rev. B Standard Single/Double Garages received 09/06/2017  
Drg. no. SGD-012 Rev. B Standard Triple Garage received 09/06/2017  
Drg. no. C02-001 Rev. F-STP Proposed Site Layout received 09/03/2018

To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan.

3. No development shall commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

#### Pre-Commencement

- (a) A Ground Gas Risk Assessment is required to assess the risks from ground gas on the site to the proposed development.
- (b) A Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

#### Completion

- (c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation

Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

4. No development shall commence until all trees and hedges agreed for retention, are protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works unless the local planning authority have agreed in writing to any variation.

Reason: To protect trees from construction damage. In the interests of the visual amenity of the area having regards to Policies GD1 of the Wear Valley District Local Plan and Parts 7 and 11 of the NPPF.

5. No development shall commence other than site remediation works until details of bus service infrastructure (raised kerbs, poles, flag signs, road markings) on the C129 Hillside Road have been submitted to and approved in writing by the Local Planning Authority. Such approved infrastructure to be installed in accordance with the approved details prior to occupancy of any dwelling.

Reason: In the interests of sustainable transport having regards to Policy GD1 of the Wear Valley Local Plan and Part 4 of the NPPF.

6. No development shall commence other than site remediation works until plans showing full engineering details of the proposed estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Policies GD1 and T1 of the Wear Valley District Local Plan.

7. No development shall commence other than site remediation works until a detailed landscaping scheme for the development has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

The landscape scheme shall include the following:

- Any trees, hedges and shrubs scheduled for retention;
- Details soft landscaping including planting species, sizes, layout, densities, numbers;
- Finished topsoil levels and depths;
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- Full details of the surfacing/hard standing proposed

The approved landscaping scheme shall be implemented and completed in accordance with the approved details in the first planning season following the substantial completion of the development. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area having regards to Policies GD1 of the Wear Valley District Local Plan and Parts 7 and 11 of the NPPF.

8. Notwithstanding the information shown on the submitted plans, no development shall commence other than site remediation works until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies GD1 and H24 of the Wear Valley District Local Plan.

9. No dwelling shall be occupied before the two redundant vehicular accesses have been removed and reinstated to footway in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Policies GD1 and T1 of the Wear Valley District Local Plan.

10. Plots 1 to 5 and 10 to 18 shall not be occupied until the fencing treatment abutting the rear of the C129 Hillside Road public footway has been installed in accordance with the approved details.

11. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In order to prevent noise disturbance in accordance with Policy GD1 of the Wear Valley District Local Plan.

12. The development shall be carried out in line with the drainage scheme detailed in the Flood Risk Assessment And Drainage Strategy Rev. 0 ((N16483) dated 12/04/2017

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

13. The development shall be carried out in accordance with the recommendations outlined within the Extended Phase 1 Habitat Survey by Applied Ecological Services Ltd dated 11/05/2017.

Reason: In the interests of ensuring no protected species are affected by the development in accordance with Paragraph 109 of the National Planning Policy Framework.

14. No dwelling shall be occupied until an external lighting strategy for the development has been submitted to and approved in writing by the local planning authority. Thereafter external lighting shall take place in accordance with the approved details.

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF and Policy E11 of the Sedgefield Borough Local Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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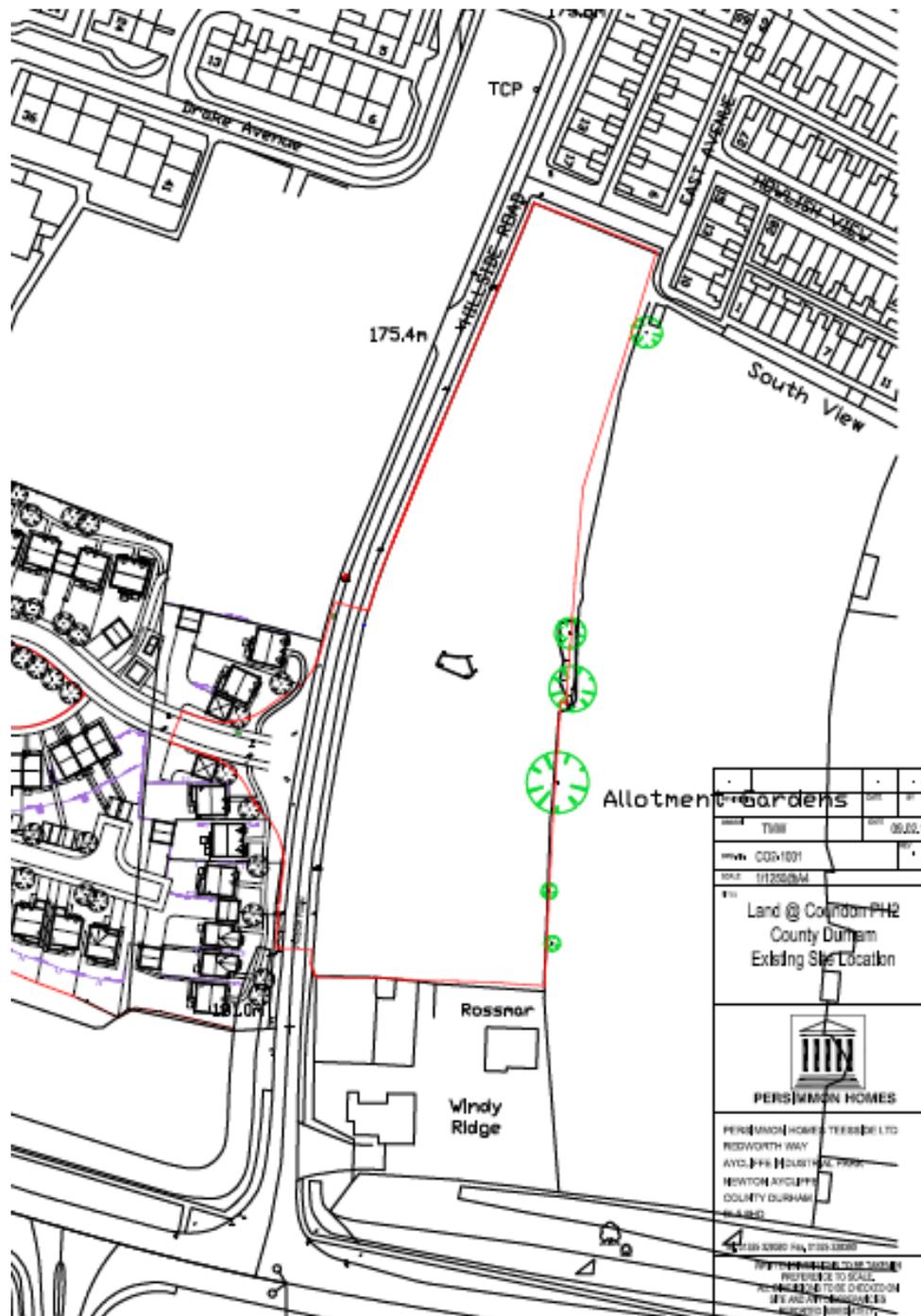
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. Pre-commencement conditions have only been used where details are required at the start of the development process. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Wear Valley District Local Plan
- Evidence Base Documents
- Statutory, internal and public consultation responses



**Planning Services**

**Erection of 37 no. residential dwellings (C3) with associated infrastructure, access and car parking Persimmon Homes (Durham)  
Land East Of Hillside Road, Coundon  
Ref: DM/17/02794/FPA**

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**Date**  
22<sup>nd</sup> March 2018

**Scale**  
Not to scale

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/17/00466/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 75 dwellings
<b>NAME OF APPLICANT:</b>	Gleeson Regeneration Ltd.
<b>ADDRESS:</b>	Site Of Former Chamberlain Phipps Coatings, Catkin Way, Bishop Auckland, DL14 9TF
<b>ELECTORAL DIVISION:</b>	West Auckland
<b>CASE OFFICER:</b>	Laura Eden Senior Planning Officer 03000 263980 <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is a cleared former industrial site of approximately 2.35 hectares (ha) located within the Woodhouses area of Bishop Auckland, near to the Tindale Crescent crossing. Concrete hardstandings remain on the site. Vehicular access is taken from Catkin Way off Greenfields Road, which also accommodates public right of way (Footpath No.15 (Bishop Auckland)). The area has seen considerable growth in recent years with major retail development replacing most of the industrial sites around the Tindale Crossing area.

#### The Proposal

2. Full planning permission is sought for the erection of 75 dwellings. The dwellings would comprise of a mix of 2, 3 and 4 bedroomed semi-detached and detached dwellings. The properties would all benefit from off-street parking and private rear garden areas. Access into the site would be taken off Catkin Way.
3. This application is being reported to Planning Committee as it falls within the definition of major development.

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### PLANNING HISTORY

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4. The site immediately adjacent had outline planning permission granted in 2007 and 2011 for a residential development up to 118 dwellings, but these expired. More recently, Members were minded to approve an outline application for 101 residential dwellings and means of access with all other matters reserved (DM/17/00244/OUT) at the December South West Committee. This decision notice will be issued upon completion of the S106 Agreement to secure £241,000 for offsite highway mitigation works.

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## PLANNING POLICY

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### NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
6. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
7. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
8. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
9. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
11. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of

communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.

18. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
19. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

<https://www.gov.uk/guidance/national-planning-policy-framework>

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: air quality; conserving and enhancing the historic environment; design; flood risk; land stability;; noise; open space, sports and recreation facilities and public rights of way; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

#### **LOCAL PLAN POLICY:**

Wear Valley District Local Plan (2007) (WVDLP) saved policies:

22. *Policy GD1 – General Development Criteria.* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
23. *Policy H3 – Distribution of Development.* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
24. *Policy H15 – Affordable Housing.* The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing
25. *Policy H24 – Residential Design Criteria.* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
26. *Policy I5 – Industrial Estates –* Sets out that within designated Industrial Estates proposals for offices and business use (use class B1), general industry (use class B2) and storage and distribution (Class B8) will be permitted in principle

27. *Policy RL5 – Sport and Recreation Target.* For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities, including changing rooms, by other agencies. Such land should be located and developed to accord with the provisions of proposal RL1. On sites under 1 hectare (24 dwellings) a proportion of this standard will be expected.
28. *Policy T1 – General Policy – Highways.* All developments which generate additional traffic will be required to fulfil Policy GD1 and provide adequate access to the developments; not exceed the capacity of the local road network; and be capable of access by public transport networks.

#### **RELEVANT EMERGING POLICY:**

The County Durham Plan

29. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Wear Valley District Local Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

30. *Highway Authority* - Recommended that the application should be refused on highway grounds as the development does not secure appropriate levels of contributions to mitigate traffic impacts and would therefore have a severe impact on queuing and delay through the highway network in the Tindale Crescent area .
31. *Drainage and Coastal Protection* – Advise that the principles set out in the submitted flood risk assessment and surfaces finishes plan are acceptable and should be secured by condition.
32. *Northumbrian Water* – No objection to the development on the provision that a condition securing development in accordance with Drainage Assessment.
33. *Coal Authority* – Advise a conditional approach requiring further site investigations and detailing of mitigation where required.

#### **INTERNAL CONSULTEE RESPONSES:**

34. *Spatial Policy* – Advise that the starting point for determining the acceptability of planning proposals is the Development Plan, in this case the (WVDLP). The site is located within the ‘limits to development’ for Bishop Auckland as defined by Policy H3 of the Plan, and its development would accord with this Policy. The scheme would conflict with Policy I5, however it is considered that this Policy can be afforded reduced weight as it has previously been established through an employment land review that the land is not needed for future employment purposes.
35. It is considered that the site is well related to the town with good access by shops and facilities located at Tindale Crescent. The principle of developing the site for housing would accord with the NPPF objective of locating housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The development will help meet the needs of different groups in the community such as families with children and people wishing to live within the town, and effectively re-use land that has been previously developed. There are no in-principle objections to the development of the site.
36. *Landscape* – It is advised that consideration should be given to creating better linkages through to the adjacent development site and better connections to the surrounding retail areas. The woodland belts around the southern and western edges won’t sit particularly comfortably with the proposed residential development and there is likely to be pressure post development to remove these. The preference would be remove woodland belts from gardens where possible and keep them in the public realm.
37. *Landscape (Arboriculture)* – The application is unlikely to have a significant detrimental impact on the majority of trees in the area provided the protective measures are followed in full. It is recommended that some consideration is given to woodland management of the belt to ensure it is sustainable post development and that caution is applied around the sycamore trees to avoid damage during the construction.
38. *School Places and Admissions Manager* – Advises that a development of 75 houses could generate an additional 23 primary pupils and 9 secondary pupils. Taking into account current surplus in schools which could serve the development (based on The Education Department’s Guidelines) and other proposed developments in the area, it is identified that the capacity of primary and secondary schools in the area would need to be increased to accommodate the additional demand. A contribution of £215,638 is necessary to deliver the increased primary and secondary capacity.
39. *Sustainability* – Offers no objections, while highlighting that improved connectivity to existing facilities should be secured. It is also recommended that a condition requiring the delivery of a scheme to embed sustainability and minimise carbon from construction is introduced.
40. *Archaeology* – Raise no objection due to the previously developed nature of the site.
41. *Housing Delivery* – Advise that the scheme should provide a minimum of 10% affordable housing.
42. *Access & Rights of Way* - Identify that a public right of way passes the north part of the site within the adopted highway (Footpath No.15 Bishop Auckland) and another follows the field edge towards the commercial and retail area of St Helen Auckland (Footpath No.14 Bishop Auckland). The proposal would have no direct effect on the public footpaths however would lead to increased use therefore no objection is raised however request contributions are secured to improve the public rights of way network.

43. **Ecology** – Advise that whilst they are satisfied within the submitted ecology report they are disappointed that further ecological enhancements have not been included within the overall site design as recommended in the NPPF and the lack of recreational space within the site.
44. *Environmental Health and Consumer Protection (Contaminated Land)* – No objection subject to the imposition of a planning condition
45. *Environmental Health and Consumer Protection (Pollution Control)* – Advise a conditional approach to safeguard sound attenuation measures indicated within the submitted noise assessment reports. Conditions requiring the submission of a construction management plan to protect the amenity of existing residents are recommended.
46. *Assets (viability)* – Advise that the general conclusions of the viability assessment are sound and the development could not support additional levels of contributions (education, open space)/affordable housing and remain viable.

**NON -STATUTORY RESPONSES:**

47. *Police Architectural Liaison Officer* – Offers security advice, comments on the garage width and driveway surface.

**PUBLIC RESPONSES:**

48. The application has been publicised by way of press notice, site notice, and individual notification letters. No representations have been received.

**APPLICANTS STATEMENT:**

49. The Site provides a sustainable development opportunity and would contribute to the provision of a mix of housing size, types and affordability in the area, particularly promoting family housing and appropriate dwellings which allow people to stay in their local community. The site provides ready access to local amenities, schools and employment sites and is considered sustainable.
50. The development of this site for residential development would see significant regeneration on a site that has sat vacant for many years and has become a haven for antisocial behaviour and fly-tipping. It is a brownfield site with significant abnormal costs associated with its development, however once completed it will transform the area and provide a choice of family homes for local purchasers.
51. This planning application has considered all relevant planning policy matters in respect of the proposal bringing forward residential development. At a national, regional and local planning policy level, there remains a priority for development in urban areas to which this site would accord. The site lies within a residential area in close proximity to services and facilities including access to sustainable travel options including bus services. The viability of the site has been scrutinised and it has been determined by both a Gleeson viability assessment and further Council assessment that no affordable housing can be provided due to the associated abnormal costs of developing the site. The proposal will integrate well into the locality through the design proposals and density accords with National Planning Policy.
52. All criteria required to be complied with in Policy requirements have been taken into account through the evolution of the scheme, resulting in a well-designed proposal that responds to the specifics of the site, both in terms of layout but also the design of the

elevational treatment. It must also be noted that the proposals aim to deliver quality new homes to local people in addition to providing much needed new housing in this location. The applicants have undertaken considerable dialogue with architects, local residents, consultants and relevant officers at the Council to ensure that the scheme not only delivers high quality design, but also responds to the aspirations of the local community. Indeed, the proposals have been amended several times during the planning submission, to take into account the comments made.

53. Development of this site will bring a number of benefits to Bishop Auckland including around £90K of additional Council Tax per annum and New Homes bonus payment to the Council of around £523K over a 6 year period. The scheme will also provide a number of jobs and apprenticeships to local people, as well as safeguarding many current jobs.
54. As a result of the existing capacity constraints at the Maud Terrace/ Greenfields Road/ Dilks Street signal-controlled junction in Bishop Auckland and the committed development proposed in the local area Durham County Council have proposed a series of mitigation measures at the junction for which they are requesting a £241,000 contribution from Gleeson Homes in relation to their proposals to construct 75 residential dwellings on the site accessed from Catkin Way. The £241,00 contribution, which is the total cost of the proposed mitigation, is also being requested, in full, from other developers.
55. Several traffic counts have been undertaken, on the behalf of developers, at the junction over recent years. Whilst all of these surveys have flow variations the total PCU's passing through the junction during peak hours appears to be relatively consistent within all the counts and as such we can place a degree of reliance upon those figures. Gleeson's development proposals forecast an additional 60 PCU's during the AM peak hour which, based on the circa 1,500 PCU's currently using the junction, equates to an increase of 4.0%. During the PM peak hour the development proposals forecast an additional 50 PCU's which, based on the circa 2,000 PCU's currently using the junction, equates to an increase of 2.5%.
56. IHT Guidelines set out that impact on two-way link flows of 5% or less is considered to be negligible impact. On this basis the forecast development flows have a negligible impact on this junction and Gleeson Homes should not be required to fund mitigation in this location. Gleeson should not be penalised for the impact created by others and whilst Gleeson are agreeable to a level of contribution which they feel is proportionate to their proposals, as set out below, they are not agreeable to 241k.
57. Gleeson have presented alternative mitigation proposals to Durham County Council, the costs for which equate to £40 – 60k and in summary include the following:
  - New lining details on all arms to accommodate two lane approaches (with the exception of the southern approach arm);
  - Widening on the northern approach arm from Greenfields; and
  - Relocation of the signal heads on the northern side of the Greenfields arm.Pedestrian crossings will remain in same locations, however, we would undertake discussions with regard to relocating these given the proximity to the junction. This would further assist with increasing capacity at the junction.
58. Saturation flows in the supporting mitigated LINSIG model have been derived from geometric data in the model itself. The model assumes a 60 second cycle time with an all red pedestrian stage running every other cycle (120 seconds in the model).
59. Although some arms are predicted to operate slightly over capacity in the 2022 future year PM peak scenario this is also the case within the existing 2016 scenario. In

addition, the overall junction PRC is -16.2 in the 2022 PM scenario as opposed to -18.4 in the 2016 PM scenario - an improvement. As such, not only do the proposals mitigate the impact forecast by Gleeson's development they also improve the overall junction performance.

60. Taking Gleeson's application in isolation, their proposals for the Greenfield signals successfully mitigate the forecast impact of that application, and do not prevent further future mitigation proposed by the council. Should Gleeson build out their site prior to the committed developments in the area coming to fruition, which is likely to be the case, they would fund the £40-60K 'half way house mitigation' at the Greenfield signals, which is all that is required without the other developments built out. When one of the other committed developments are built out their contribution would fund the remainder of the mitigation. On the other hand if one of the other committed developments came first the mitigation at Greenfield Signals would already have been implemented so there would be no capacity issue at the Greenfield Signals.
61. NPPF states: improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
62. Gleeson's mitigation proposals do cost effectively limit the significant impacts of the development and: Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
63. The residual cumulative impacts would not be severe as either the full mitigation would be implemented by one of the other committed developments (if they build first) or Gleeson would be mitigating their impact (if they build first) and the remainder of the mitigation would follow at the appropriate time. As such at no point would there be any severe residual impact.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OL49YTGDLIT00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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64. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, highway safety and access, impact on the character and appearance of the surrounding area, ecology, residential amenity, flood risk and drainage, ground conditions, and viability/planning obligations.

The Principle of Development

### *The Development Plan*

65. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Wear Valley District

Local Plan (WVDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.

66. The WVDLP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

#### *The NPPF*

67. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
    - ii) specific policies in this Framework indicate development should be restricted.
68. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
69. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context.
70. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the WVDLP are out-of-date where outlined below.

#### *Five Year Housing Land Supply*

71. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, then housing policies in a Local Plan cannot be considered up to date.
72. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:

1,533 dwellings per annum (29,127 houses by 2033)

1,629 dwellings per annum (30,951 houses by 2033)

1,717 dwellings per annum (32,623 houses by 2033)

73. As of April 2017 the Council considered that it had a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest need figure the Council took the position that it could demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
74. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.
75. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. On that basis, the Council would therefore be able to establish a supply of housing land in excess of 5 years.
76. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.
77. Given that the most up to date OAN methodology is contained within a consultation draft only and the very recent publication of that document, the Council is yet to formalise its position on the issue of 5 year land supply. In the interim period until it does so, it is considered that the three scenarios identified in the Issues and Options stage can no longer be relied upon and accordingly, the weight to be given to any benefits a housing proposal might have in terms of the boost to housing supply ought to be less than if the Council were to continue to rely upon the Issues and Options scenarios where a 5 year supply could not be demonstrated.

#### *Assessment having regards to Development Plan Policies*

78. WVDLP Policy I5 designates the site as an industrial estate (Greenfields Industrial Estate). Within the estate, Policy I5 sets out that proposals for offices and business use (use class B1), general industry (use class B2) and storage and distribution (Class B8) will be permitted in principle. The proposed residential use would therefore not conform to the allocation in the WVDLP.
79. WVDLP Policy I5 is considered partially consistent with the NPPF. Although the NPPF sets out that adequate employment land should be made available to meet demand it requires at Paragraph 22 that land allocations should be regularly reviewed. Paragraph 22 also sets out that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses should be treated on their merits having regard to market signals and need for different land uses to support sustainable local communities.
80. Given the age of the employment land supply figures that informed WVDLP Policy I5, the policy does not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policy reduced as a result.

81. In addition to this an Employment Land Review (ELR) was undertaken in 2012 which identified large areas of vacancies and site clearance with a rundown appearance within Greenfield Industrial Estate. The ELR recommended that the site should not be protected for specific employment uses and therefore deallocated. It is therefore considered that the policy conflict with Policy I5 should be given reduced weight in the planning balance.
82. WVDLP Policy H3 sets out that new housing development should be located in the towns and villages best able to support it, setting out limits of development. The approach of directing housing to the most sustainable settlements that can support it, while seeking to protect the open countryside, is consistent with the NPPF. The NPPF does not prevent a local planning authority from defining settlement boundaries; however, these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. As Policy H3 is not based on up-to-date evidence of this nature, it is therefore considered out of date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policy reduced as a result.
83. Remaining policies within the WVDLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.

#### *Conclusion on Principle of Development*

84. Whilst the development of the site for housing would be contrary to WVDLP Policy I5, WVDLP policies for the supply of employment land are out of date and the recommendations of the ELR are to deallocate the site for industrial/commercial purposes. As a result, the acceptability of the development largely rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted in the paragraph NPPF 14 test.

#### Locational Sustainability of the Site

85. Bishop Auckland is identified as a main town in the Council's Settlement Study 2012 due to its array of services and transport hubs. Connections with the adjacent development site could have been better addressed in the scheme and for viability reasons there are no contributions towards improvement of the existing public right of way network, which would see increased use from the development. Nevertheless, subject to improved footway links on the complete eastern site boundary with Greenfields Road, which could be secured by conditions, residents of the new dwellings would generally have good access to services, employment and education, without being wholly reliant on private car travel.
86. As such, the site is considered an appropriate, sustainable place to locate new housing and therefore there is no significant conflict with Paragraph 61 of the NPPF and WVDLP Policies GDP1 and H24 (which are considered consistent with Paragraphs 30, 34, 35 and 61 of the NPPF) and Parts 4 and 7 of the NPPF.

#### Highway Safety and Access

87. WVDLP Policies GD1, H24 and T1 require developments to be served by a safe means of access and should not create unacceptable levels of traffic which exceed the capacity of the local road network. These Policies are consistent with NPPF Paragraph 32, which also states that development can be refused on transport grounds where the residual cumulative impacts of development are severe.

88. The development site sits close to the saturated highways network junction at Tindale Crescent in Bishop Auckland. This development is predicted to send 60 additional two way traffic movements through Tindale Crescent at the am peak hour, which the Highway Authority advises would be a significant number of vehicles given the over saturation of the junction currently. The resultant loading of more development traffic onto this junction would increase exponentially the queues and delay already experienced to the extent that it would be regarded as a severe impact.
89. It is therefore necessary for the scheme to address capacity limitations at this junction. The mitigation required is in the form of road widening along and layout changes with the traffic light reconfigurations at Maude Terrace/Greenfields Road, which have an estimated cost of £241,715.49.
90. There are a number of other housing permissions pending in the nearby area (Fieldon Bridge 8/CMA/3/50; Land to the North of Etherley Moor DM/16/04062/OUT, Land At The North Of Woodhouses Farm DM/17/01765/FPA; Catkin Way DM/17/00244/OUT which have all committed to address the operational capacity Tindale Crescent junction and other residual impacts on the wider highway network, but there is no guarantee of the timing of these developments and that any of these would come forward before this application proposal. Furthermore, even if improvements are made to Tindale Crescent traffic signals through other developments, the Highway Authority advises that there will be both a geographical and temporal dispersion of peak traffic as traffic chooses to redistribute to avoid the signals. Funding will therefore still be necessary to address any cumulative residual issues on the rest of the highway network. The highway contributions secured under individual planning applications would be combined (whilst still complying with The Community Infrastructure Levy Regulations 2010) for the Highways Authority to detail up and deliver appropriate schemes where it considers appropriate.
91. The applicant is only willing to meet the cost of lesser improvements at the junction (approximately £40,000-60,000) and has argued that this lesser mitigation (detailed in the applicant statement) would result in the junction being only 'slightly over capacity'. However, the Highways Authority do not accept this argument and consider that the junction would still suffer from exponential growth in queuing and delay as traffic fails to clear the signals at the end of each signal cycle resulting in a severe impact on the surrounding road network. When the applicant's traffic signals junction improvement scheme has been modelled where the development is brought forward independent of any committed development, a capacity issue would still arise in 2027 with continued queuing on Maude Terrace east and Greenfield Road. With the inclusion of all committed development the model shows the junction would be unstable with variable and increasing queuing and delay.
92. It is therefore considered that the lesser mitigation proposed by the applicant would not sufficiently address the overcapacity issues at the junction and there would be a severe impact on queuing and delay through the highway network in the Tindale Crescent area.
93. In respect of other highways issues, the Highways Authority is satisfied that the site access arrangements, layout and parking are generally acceptable. There is a need for a new pedestrian footpath along the Greenfields Road boundary, but that could be secured by condition.
94. Overall, on the advice of the Highway Authority, whilst a satisfactory means of access and internal layout could be created, it is considered that the development would have a severe cumulative impact on the wider highway network and the proposals put forward by the developer would not satisfactorily mitigate this impact. There is

significant conflict with WVDLP Policies GD1 (xxi) and T1 (ii) in this respect, as well as paragraph 32 of the NPPF.

#### Impact on the Character and Appearance of the Surrounding Area, Layout and Design

95. It is considered that the proposed dwellings would be commensurate in scale and design with the surrounding area and the internal layout would create a reasonable residential environment.
96. The majority of existing trees would be retained and could be protected during construction.
97. Overall, it is considered that the development would integrate appropriately into the surrounding area. There is no conflict with WVDLP Policies GP1 and H24 and part 7 of the NPPF.

#### Ecology

98. An ecology survey has been submitted with the application which indicates that the development is unlikely to have negative ecological impacts due to the majority of the site being hardstanding therefore of negligible ecological value with the higher value woodland belt being retained as part of the development.
99. The Councils Ecology Section is disappointed that further ecological enhancements have not been included within the overall site design, however, the development is unlikely to have negative ecological impacts and therefore does not conflict with WVDLP policy GD1 and NPPF part 11.

#### Residential Amenity

100. Whilst external privacy distances are met, the internal layout falls marginally short with distances between opposing elevations generally in the region of around 18m. However, purchasers would be aware of this and overall it is not considered that this would lead to any significant issues in terms of overlooking, overshadowing or overbearing impact.
101. The development would be located in proximity of a number of noise sources including commercial/industrial uses within Greenfield Industrial Estate and at Tindle Crescent. The application is supported by a noise impact assessment which sets out the noise mitigation measures in the form of improved glazing and acoustic boundary treatments for a number of properties within the development are required in order to safeguard the amenity of future residents. Environmental Health advise that the methodology and conclusions of the report are sound and that subject to implementation of the sound attenuation measures outlined in the report adequate levels of residential amenity would be achieved.
102. Overall, the scheme would comply with WVDLP Policies GDP1 and H24 and Part 11 of the NPPF as subject to sound attenuation measures being implemented the development would have appropriate relationship with existing developments.

#### Flooding Risk and Drainage

103. The application is accompanied by a Flood Risk Assessment (FRA), which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The FRA sets out that the surface water drainage hierarchy has been reviewed and a discharge to infiltration is unsuitable. It is proposed to discharge surface water to the surface water

public sewer/watercourse on the western boundary at an agreed discharge rate. A surfaces finishes plan has also been submitted which outlines that driveways will be permeable. Subject to the above being secured by conditions the Council's Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy. Northumbrian Water also advises a conditional approach to managing surface water discharge.

104. In relation to foul water, it is proposed to connect to the existing sewerage network. Northumbrian Water raise no objections, subject to the imposition of a condition that development takes place in accordance with the submitted details.
105. Subject to conditions outlined above, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

#### Ground Conditions

106. The application site lies with the Coal Authority's Coalfield area of high risk and a coal mining risk assessment considering unstable land has been submitted in support of the application. In reviewing this report, whilst the Coal Authority concur that the adoption of a piled foundation solution is appropriate in light of past surface mining operations at the application site however require further site investigation works to be undertaken. On the basis that such works are secured by condition they raise no objection.
107. In relation to land contamination the applicant originally submitted a phase 1 desk top study. Whilst Environment, Health and Consumer Protection officers (Contaminated Land) agreed with the proposed remediation regarding the clean cover system it was considered insufficient information was providing relating to gas protection measures, water supply pipes and controls to prevent contamination to controlled waters. These additional risks have now been identified within the Phase 2 report and as such they recommend the imposition of a condition to agree remediation and verification works in accordance with Policy GD1 of the WVDLP and Part 11 of the NPPF.

#### Other Matters

108. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. Whilst the development could improve connectivity to reduce walking distances to nearby services and facilities on the whole the development is considered sustainable. Sustainability officers have requested a condition to embed sustainability within the scheme however this would be achieved through the building regulations.

#### Viability/Planning Obligations

109. Paragraph 72 of the NPPF sets out that the Government attaches great importance to ensuring sufficient availability of school places to meet the needs of existing and new communities. In this respect the School Places and Admissions Manager highlights that a development of 75 dwellings would be expected to generate 23 primary and 9 secondary pupils. Although there is a degree of capacity within primary schools within Bishop Auckland that are accessible to the site via a 2 mile safe walking route, when taking into account other developments proposed within the area, the capacity of primary schools would need to be increased to accommodate the additional demand from this development. Based on the Council's policy in relation to securing developer contributions towards education provision, a contribution of £215,638 would be required. However, the applicant has presented a case setting out that the development

would not be viable with this contribution. The Council's Policy in relation to education contributions does recognise the issue of viability and allows exceptions in this respect.

110. WVDLP Policy H15, in accordance with Part 6 of the NPPF, sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision. In order to accord to relevant policies, 8 dwellings would need to be offered on an affordable basis. However, the applicant has presented a case setting out that the development would not be viable with this obligation imposed.
111. WVDLP Policy RL5 sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF. The OSNA sets out the requirements for public open space and recreation provision on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu. As no open space would be provided on site and in order to mitigate the developments impacts based on OSNA targets an offsite contribution of £226,400 would be required to maintain and enhance existing facilities. Again, the applicant has sets out that the development would not be viable with this obligation.
112. Whilst it is very disappointing that the development would not make any contributions towards education, affordable housing and open space, Paragraph 173 of the NPPF outlines the importance of viability as a material planning consideration, setting out that developments should not be subject to obligations which threaten their ability.
113. The applicant's development appraisal has been assessed and it has been accepted that the viability of the site is marginal, and well below the 17-20% acceptable range of return. Therefore, notwithstanding that the development could not mitigate its impact in these respects the viability case is accepted and no contributions are being sought for these matters.

#### Planning Balance

114. The acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to indicate development should be restricted and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

#### *Benefits*

115. In light of the recent Government consultation document entitled "Planning for the Right Homes in the Right Places" and the likely change to the Council's position on five year land supply, the weight given to this boost in housing supply is marginally reduced but still carries weight in favour of the proposals nonetheless. Ultimately, it is considered that the approval or otherwise of this particular development would not be critical to the overall supply of deliverable housing sites in the County, particularly given the other housing schemes coming forward in the immediate area. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if the Issues and Options scenario was still being relied upon.

116. The development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded weight.
117. The development would result in the positive re-use of previously developed land which is unlikely to come forward for any alternative employment use. The development of the site would result in environmental improvement in this respect.

### *Adverse Impacts*

118. The Highways Authority considers that the development would have a severe impact on queuing and delay through the highway network in the Tindale Crescent area and the development would not contribute appropriately to addressing the issue.
119. The development would have a residual impact on the capacity of existing primary and secondary schools to accommodate additional pupils, and for which the Council would need to provide mitigation. However, the Council's Policy in relation to education contributions does recognise the issue of viability and allows exceptions in this respect.
120. The development would increase pressures on existing open space and recreational facilities in the area, in conflict with WVDLP policy RL5. Officers were however mindful of the significant highways contributions required to mitigate the impacts of the development and in this instance considered that the scheme could not bear the costs of additional contributions should the highway contribution have been forthcoming. There is also a healthy supply of outdoor sport space and amenity open space typologies within the immediate area albeit no onsite provision.

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## **CONCLUSION**

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121. Having regards to all matters, it is considered that the severe residual impact on the surrounding highways network would significantly and demonstrably outweigh the benefits identified. When assessed against the development plan and the NPPF considered as a whole, on balance, the overriding consideration is that the scheme would not be sustainable development.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reasons;

1. The additional traffic generated by the development would have a severe impact on queuing and delay through the highway network in the Tindale Crescent area and as an appropriate level of contribution to address traffic dispersal has not been secured to mitigate this impact the development would result in a severe residual cumulative impact. This is contrary to WVDLP Policies GD1 (xxi) and T1 (ii) and Paragraph 32 of the NPPF, and when assessed against the development plan and the NPPF considered as a whole, it is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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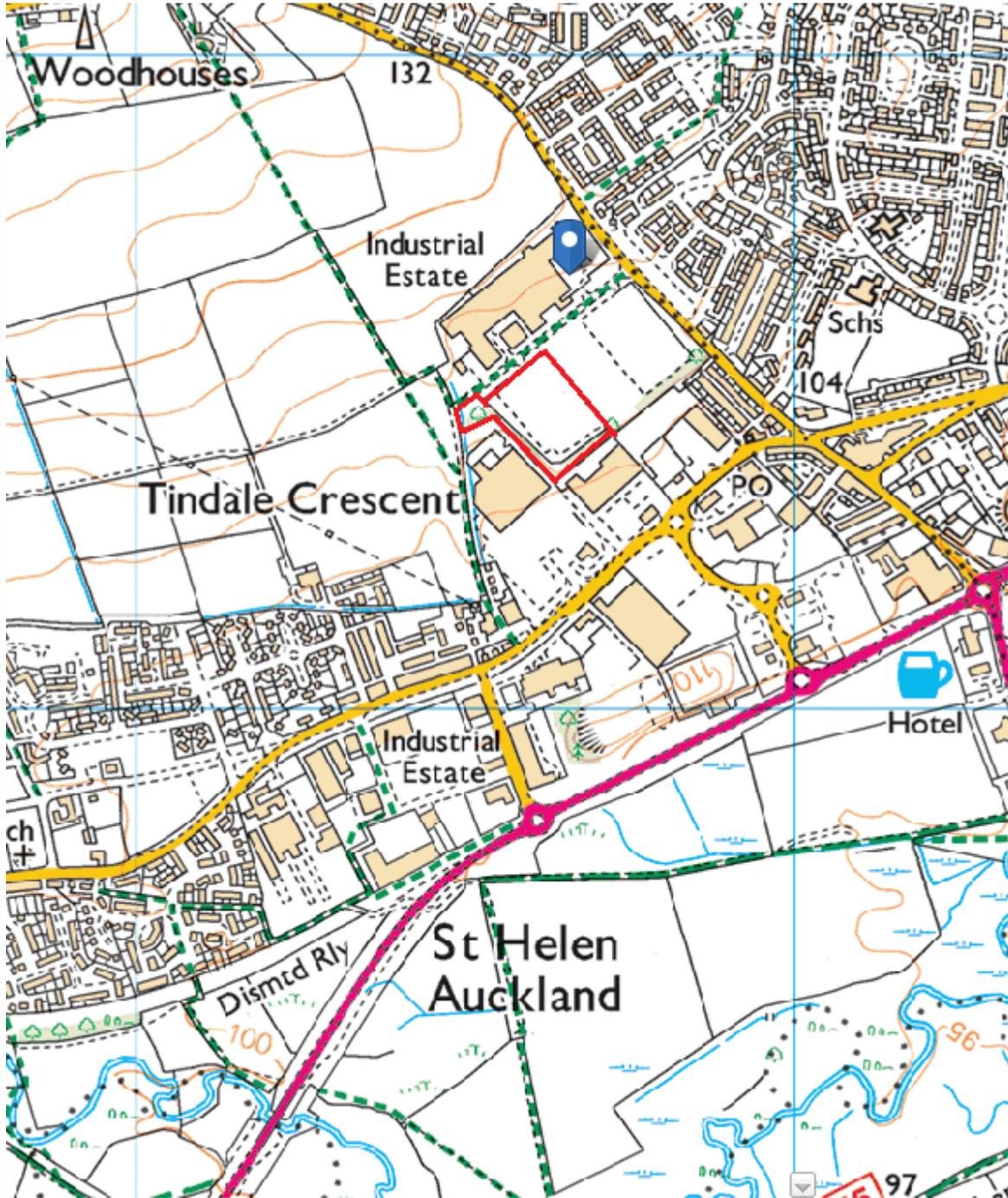
In considering the application the Local Planning Authority has sought to adopt a positive and proactive approach to the determination of the application in accordance with the requirements of the NPPF to promote the delivery of sustainable development. In this instance however on the balance of the information available it is not considered that a positive outcome could be achieved.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Wear Valley District Local Plan 2006
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Public Place Planning Document 2006
- Calculating developer contributions in relation to education.
- Statutory, internal and public consultation responses



 <p><b>Durham</b> County Council</p> <p><b>Planning Services</b></p>	<p>Erection of 75 dwellings Gleeson Regeneration Ltd. Site Of Former Chamberlain Phipps Coatings, Catkin Way, Bishop Auckland Ref: DM/17/00466/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date</b> 22<sup>nd</sup> March 2018</p>	<p><b>Scale</b> Not to scale</p>



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

<b>APPLICATION NO:</b>	<b>DM/17/01696/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Replacement of bridge; erection of retaining wall and repositioned steps in front of shooting box</b>
<b>NAME OF APPLICANT:</b>	<b>Mr M Watson</b>
<b>ADDRESS:</b>	<b>Smiddy Burn Bridge, Stanhope Common, Stanhope</b>
<b>ELECTORAL DIVISION:</b>	<b>Weardale</b>
<b>CASE OFFICER:</b>	Adam Williamson, Planning Officer, 03000 260826 <a href="mailto:Adam.williamson@durham.gov.uk">Adam.williamson@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSAL

1. The application site is located on the Stanhope Common approximately 3km to the east of Rookhope. It is covered by the Muggleswick, Stanhope & Edmundbyers Commons & Blanchland Moors SSSI, The North Pennine Moors Special Area of Conservation (SAC), the North Pennine Moors Special Protection Area (SPA), and the North Pennines Area of Outstanding Natural Beauty (AONB) designations.
2. The “shooting box” is a stone building with slate roof, which appears on OS maps between 1865 and 1899. It lies adjacent to the moorland track which crosses the common to Boltslaw Incline. The moorland track incorporates Public Footpath 74 Stanhope, but the extent of the public footpath terminates at the shooting box. The track crosses the Smiddy Burn over a small stone bridge a short distance to the south east of the shooting box. The bridge is likely to have been constructed at the same time as the shooting box in association with the early management of the grouse moor. It is evident that the bridge is currently suffering from partial collapse on the north face and has other visible structural issues.
3. The application seeks to rebuild the bridge in a matching appearance on a slightly improved alignment. It also includes minor works in the form of a 0.6m high stone retaining wall and replacement steps built into the rising ground just to the south of the shooting box.
4. The application has been called to the Planning Committee by Stanhope Parish Council and Cllr Shuttleworth because of concerns over the works to the bridge and appearance of the retaining wall.

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## **PLANNING HISTORY**

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5. There is no recent planning history for this building.

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## **PLANNING POLICY**

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### NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings - economic, social and environmental, each mutually dependent. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
7. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
8. NPPF Part 7 - Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
9. NPPF Part 11 - Conserving and Enhancing the Natural Environment. The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible.
10. NPPF Part 12 - Conserving and Enhancing the Historic Environment. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<https://www.gov.uk/guidance/national-planning-policy-framework>

#### LOCAL PLAN POLICY:

11. The development plan is the Wear Valley District Local Plan as amended by the saved and expired Policies September 2007.
12. **Policy GD1 (General Development Criteria):** All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
13. **Policy ENV1 (Protection of the Countryside):** The District Council will seek to protect and enhance the countryside of Wear Valley.
14. **Policy ENV2 (The North Pennines Area of Outstanding Natural Beauty):** Priority will be given to the protection and enhancement of the landscape qualities of the North Pennines Area of Outstanding Natural Beauty. Development which adversely affects the special scenic quality and the nature conservation interest of the AONB will not be permitted.
15. **Policy ENV10 (Sites of Special Scientific Interest):** Development which will adversely affect the conservation value of Sites of Special Scientific Interest (SSSIs) will only be permitted where the development is of overriding national importance and cannot be located elsewhere.

#### EMERGING PLAN

16. The County Durham Plan
17. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

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## CONSULTATION AND PUBLICITY RESPONSES

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#### STATUTORY RESPONSES:

18. *Stanhope Parish Council:* Object to the application on the grounds that: the application should have been sent to the Secretary of State as it is on Common Land; the bridge has been incorrectly described as a culvert bridge; the bridge should be maintained not demolished; without detailed drawings of the retaining wall it's not possible to judge the visual impact and it sounds more like something on a housing estate than common land.
19. *Natural England:* Consider that the proposed development will not have adverse impacts on designated sites and has no objection.

20. *Environment Agency*: No response received.

21. *AONB Partnership*: Raised concerns that no ecology information or heritage statement had been submitted. The details have since been submitted, with no further comments received.

#### INTERNAL CONSULTEE RESPONSES:

22. *Design and Conservation*: No objection. The structure is not a designated asset nor would its alteration affect the setting of any other known asset. It is not of a quality which would justify considering it as a non-designated asset.

23. *Landscape*: No objection. Subject to the type and style of stone being controlled by a condition the proposals would not have significant landscape and visual effects.

24. *Ecology*: The level of information provided is not sufficient to enable the LPA, as the competent authority, to undertake a robust habitats screening assessment. It is however noted that Natural England have concluded no likely significant effects by the proposals. It is therefore recommended that the Mitigation and Compensation detailed in the report be conditioned.

25. *Public Rights of Way*: No response received.

#### PUBLIC RESPONSES:

26. 8 letters of objection have been received. The main concerns raised are that the bridge should be repaired rather than replaced as it is a historic structure and a new bridge would be out of character with the AONB; It has also been questioned whether the application should have been sent to the Secretary of State because it is on common land.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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27. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues are the landscape and ecological impacts of the proposals.

#### Landscape

28. NPPF paragraph 115 confirms that Areas of Outstanding Natural Beauty (AONBs) are given the highest status of protection for their landscape and scenic beauty, alongside National Parks and the Norfolk and Suffolk Broads. The statutory purpose of AONB designation is to conserve and enhance the natural beauty of the area, as confirmed by Section 82 of the Countryside and Rights of Way Act 2000 (CRoW Act). Section 85 places a duty on all public bodies to consider the AONBs nationally protected status in any land use related decisions. Wear Valley District Local Plan, saved policies ENV2 (AONB development) and GD1 (general design criteria) are consistent with these aims and therefore can still be given significant weight.

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29. The site falls within the Stanhope Common & Wolsingham Moors Character Area, which is part of the larger North Pennine Landscape Character Area. The area is generally characterised by open moorland, which is managed for grouse shooting and grazed by upland sheep.
  30. The shooting box is isolated on the moor, but sits within a depression, enclosed by planted conifer trees and a stone wall enclosure. Any landscape effects of the proposal would therefore be confined to within the immediate enclosed site rather than the wider landscape.
  31. The principle element of the proposal is the replacement of the small bridge over the Smiddy Burn and it is this element that has drawn most concern in the objections received.
  32. The existing bridge is not listed, nor is it a Scheduled Monument. Historic Ordnance Survey Maps indicate it was constructed at approximately the same time as the shooting box, sometime between 1865 and 1899. The nearest historic mine workings are approximately 1½km to the northwest, close to the Boltslaw Incline, which would have been the likely transportation route for any excavated material rather than a 7km route to Stanhope via the Smiddy Burn track. It is therefore considered that any heritage value of the bridge lies within the context of a late C19 shooting estate rather than any mining heritage. The Design and Conservation Section do not consider it worthy of being a non-designated heritage asset, but based on the local representations received it can nevertheless be considered to have some value as a small man-made landscape feature, which contributes to the character and appearance of the AONB.
  33. The application is not accompanied by a structural survey of the bridge because planning permission is not required for its demolition. It is nevertheless visibly evident that there are two collapsed sections on the north side, large bulges on the south face, undermined bearing stones, missing arch stones and various severe cracks. Whilst the external facing of the bridge could possibly be repaired, the bridge wasn't built to accommodate the size and weight of modern vehicles that now use the track and therefore extensive structural works to all parts of the bridge are likely to be required. Its replacement in a like-for-like manner to modern construction standards in order to secure its long term contribution as a landscape feature, albeit as a new structure, is therefore considered to be a reasonable proposal. A 15 degree realignment would be barely discernible and subject to control of the external stonework by conditions there would be no harm to the landscape or heritage interests of the AONB.
  34. The new stone-faced retaining wall would be a very small feature built into the rising ground where there is evidence of erosion, and the steps would replace the existing. Whilst there is limited detail of these works included in the application, it is sufficient to be able to judge that they would be very minor features that would be viewed in the context of the shooting box, and because of the very contained nature of the site, they would not have any visibility in the wider AONB landscape beyond the immediate context.
  35. There are no objections from the Council's Landscape and Design and Conservation Sections.

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36. It is therefore considered, having regards to Section 82 of the Countryside and Rights of Way Act 2000, that the proposals would not have any adverse visual and landscape effects and as such would not cause harm to the AONB landscape and the purpose of its designation. There is no conflict with Wear Valley Local Plan policies GD1, ENV1 and ENV2, or Sections 7, 11 and 12 of the NPPF.

#### Ecological interests

37. The SSSI is designated principally for its moorland breeding bird habitats, but the submitted ecological appraisal also identified other moderate ecological value in the site for bat roosting, bird nesting and amphibian hibernation potential in the bridge crevices. However, no evidence of bat roosting was found and the mostly wooded, insular nature of the site is distinctly separate from the surrounding moorland where the birds breed. The submitted appraisal details appropriate mitigation measures to deal with sensitive dismantling of the bridge, which can be secured by condition.

38. It is noted that the Council's Ecology Section initially raised some concerns over the level of information submitted, particularly in relation to water voles. However, it has been further clarified that the area around the bridge and depth of water is not optimal for water voles. In addition, Natural England have since advised that the proposals will not damage or destroy the interest features of the SSSI and will not have significant effects on the SAC or AONB. As a statutory consultee on these matters, the views of Natural England must be given significant weight.

39. In view of the above it is considered that there is no evidence that the proposals would adversely affect the important moorland breeding bird habitat, protected species or other ecological interests. There is no conflict with policies GD1, ENV2 and ENV10 of the Wear Valley District Local Plan, or Section 11 of the NPPF.

#### Other matters

40. Objectors have questioned whether the application should have been submitted to the Secretary of State because the development is on common land. However, the need for Common Land consent is separate to the planning process and it is a matter for the developer to ensure all appropriate consents have been obtained.

41. Similarly, the grant of planning permission would not convey any rights to stop up, divert, obstruct or otherwise affect the Public Right of Way. The developer will need to obtain appropriate orders for these purposes before any development starts.

#### Conclusion

42. The replacement of the bridge in a like for like manner and the minor scale and limited visibility of the other works proposed, would not have any adverse visual and landscape effects and as such would not cause harm to the AONB landscape and the purpose of its designation. There would also be no adverse effects on the important moorland breeding bird habitat, protected species or other ecological interests on the site.

43. All representations have been carefully considered, however there is no conflict with Wear Valley Local Plan policies GD1, ENV1, ENV2 and ENV10, or Sections 7, 11 and 12 of the NPPF.

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## **RECOMMENDATION**

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Recommendation that the application is:

**APPROVED** subject to the following conditions

Conditions:

1. The development shall not be begun later than the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Description	Plan Ref No.	Date Received
Red line site plan	000	22.05.2017
Proposed details plan	025	22.05.2017
Proposed bridge elevations	027	22.05.2017
Proposed drainage	026	22.05.2017

Reason: To define the consent and ensure that a satisfactory form of development is obtained

3. The bridge and retaining wall shall be constructed in accordance with a stone sample panel which shall first have been approved in writing by the local planning authority.

Reason: In the interests of visual amenity and to comply with Policies GD1, ENV1, and ENV2 of the Wear Valley District Local Plan as Amended by the Saved and Expired Policies September 2007.

4. The development hereby approved shall be carried out in strict accordance with the mitigation measures set out within Section 6 (mitigation) of the submitted Ecological Appraisal report by Naturally Wild, dated the 12th October 2017.

Reason: To minimize ecology impacts in accordance with policy GD1 of the Wear Valley District Local Plan and Part 11 of the NPPF.

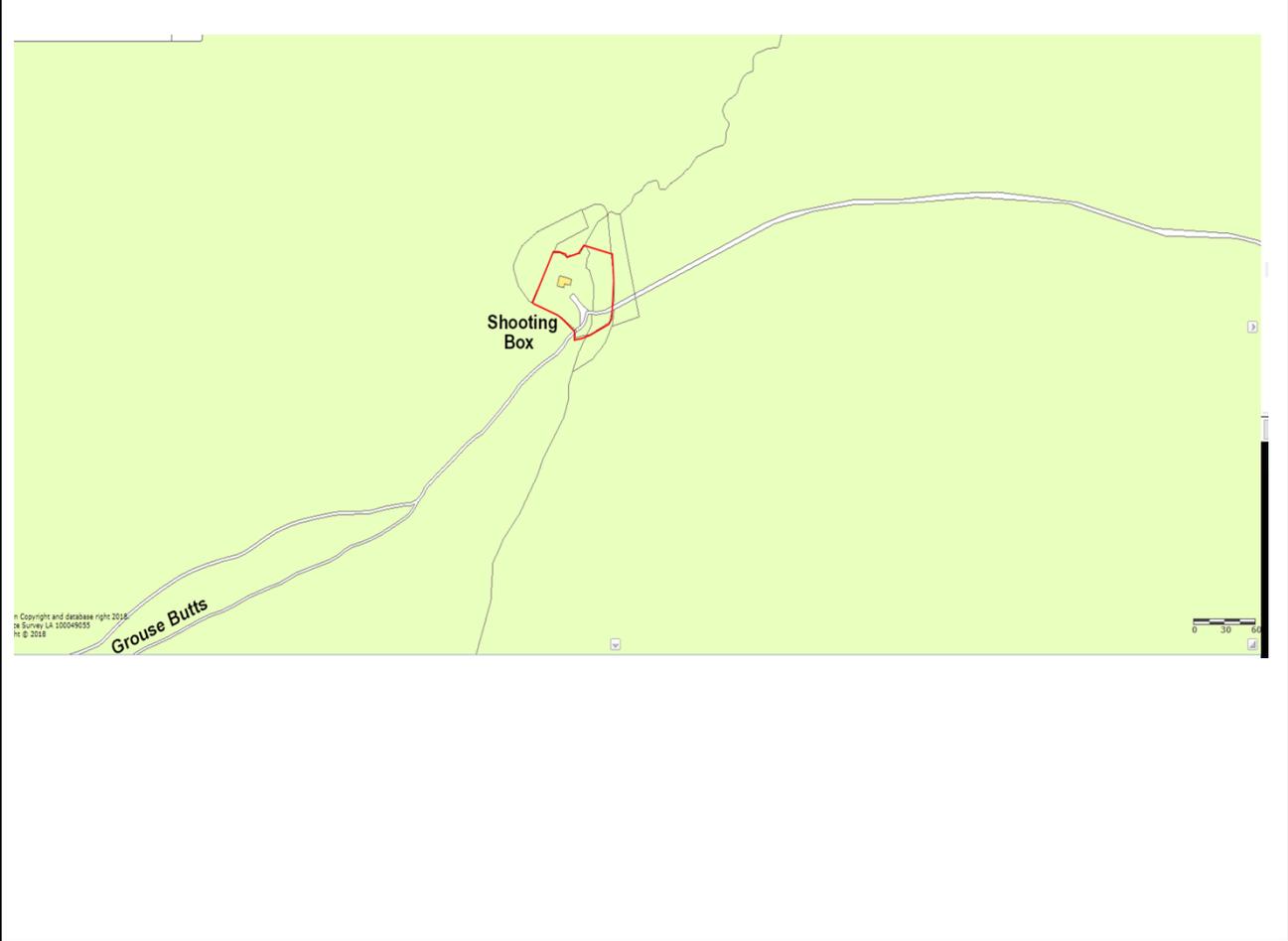
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## **STATEMENT OF PROACTIVE ENGAGEMENT**

In arriving at the decision to recommend approval the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development.

# BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents  
 National Planning Policy Framework  
 Wear Valley District Local Plan  
 North Pennines AONB Management Plan  
 All consultation responses and representations received

	
 <p><b>Planning Services</b></p>	<p>Smiddy Burn Bridge, Stanhope          Common, Stanhope</p>
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.          Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.          Durham County Council Licence No. 100022202 2005</p>	<p>22.03.2018</p>